

URBAN/MUNICIPAL

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1992

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Agendas / Minutes of the  
Planning and Development  
Committee of Council

May 6, 1992 - June 30, 1992







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1992



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**\*NOTE: TIME OF MEETING  
IS 10:30 O'CLOCK A.M.**

**1992 April 29**

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1992 May 06  
10:30 o'clock a.m.  
Room 233, City Hall**

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Tina Agnello, Secretary  
Planning and Development Committee

**A G E N D A:**

**1. CONSENT AGENDA**

**ZONING APPLICATIONS**

**10:30 O'CLOCK A.M.**

- 2. Zoning Application 91-63, Robert Shelly Construction Limited, owner, for a change in zoning from "AA" to "R-4", for lands located north of Rockview Avenue and west of the proposed extension of Crerar Drive; Crerar Neighbourhood.**







3. Zoning Application 92-01, 603815 Ontario Inc., owner, for a further modification to the established "C" District regulations, for property located at No. 1492 Upper James Street; Mewburn Neighbourhood.
4. Zoning Application 92-05, J. & F. Capuccinello Iraci, owners, for a change in zoning from "AA" to "C", for lands located at No. 50 Christopher Drive; Kennedy East Neighbourhood.
5. Zoning Application 92-04, 800064 Ontario Inc. (A. DiSilvestro), owner, for removal of the "H" (Holding) provision from the "C" (Urban Protected Residential, etc.) District for Blocks "1", "2" and "3", the "R-4" (Small Lot Single-Family Detached) District for Block "4", and the "RT-20" (Townhouse-Maisonette) District for Block "5", for lands located at No. 480 Rymal Road West; Falkirk East Neighbourhood.  
(Not a public meeting)

6. **CORRESPONDENCE - CENTRAL BEASLEY PRIDE HINT COMMITTEE**

Via Rail Service to Hamilton

7. **ALDERMAN W. MCCULLOCH**

Adult Video Stores (no copy)

8. **OTHER BUSINESS**

9. **ADJOURNMENT**







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood mtg.
C.I. - Mohawk Sports Park & Bernie Arbour Stad.	1991 May 22	Planning	To be processed







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting in 1992 May 6
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
ZA-91-54 276 Sanford Avenue North	1992 January 22	Planning	Tabled - upon the request of the applicant
Grading requirements for one lot severences	1992 February 19	Roads Department	Report Pending
ZA-91-82 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North	1992 March 4	Planning	Tabled - to resolve neighbour's concerns
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee - Circulation on municipal projects	1992 March 25	Municipal Departments	Tabled - to solicit comments from Municipal Depts & standing committees
ZA-91-78 3320-330 Charlton Avenue West	1992 March 25	Planning	Tabled - Public Meeting 1992 April 13
1992 April 30			







1.

**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 MAY 06**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 April 22.

**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

St. Clair Boulevard Heritage Conservation District

**C. BUILDING COMMISSIONER**

- (a) Appointment of Trades Licence Inspectors
- (b) Demolition of 1437 Barton Street East
- (c) Commercial Facade Loan Programme - 84 1/2 Ottawa Street North

**D. COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) City of Hamilton comments on Vision 2020
- (b) CAPIC's response to the Draft Vision Statement of the Regional Chairman's Task

**E. INFORMATION ITEM**

Commissioner of Planning and Development - Site Plan







A.

Wednesday, 1992 April 22  
9:30 a.m. O'clock  
Room 233, City Hall

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

**Also present:** V. Abraham, Director of Local Planning  
P. Mallard, Development & Urban Design, Planning Department  
G. Aston, Director, Programming and Development  
D. Powers, Manager, Property Law Division, Law Department  
W. Wong, Manager of Customer Services, Building Department  
R. Karl, Manager of Traffic Planning, Traffic Department  
J. Johnston, Commissioner, Human Resources Department  
T. Agnello, Secretary

**1. COMMISSIONER OF PLANNING AND DEVELOPMENT (previously tabled)**

**Amended Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, for a change in zoning from "D" to "E-2", modified for Block "1", and for a modification to the "H" District regulations for Block "2", for property located at Nos. 320 - 330 Charlton Avenue East; Kirkendall North Neighbourhood**

Paul Mallard explained that a neighbourhood meeting was held on 1992 April 13. 75 residents were in attendance.

Mr. Little of the Artaban project stated that 62 people present at the meeting were supporters of the project.

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 14, the Committee recommended to Council as follows:

That approval be given to Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Block "2", to permit the development of the subject lands for a four (4) storey, 29 unit apartment building and parish hall, for the property located at 322-330 Charlton Avenue West, shown as Block "1" and Block "2" on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District;
- (b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-Law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:



- (i) That notwithstanding Section 11B(2)(ii) of Zoning By-Law No. 6593, no building or structure shall exceed four (4) storeys or 14.0 m in height;
  - (ii) That notwithstanding Section 11B(5) of Zoning By-Law No. 6593, no building or structure shall exceed a maximum gross floor area of 2206.0 m<sup>2</sup> and twenty-nine (29) dwelling units;
  - (iii) That Section 11B(3)(i)(b) of Zoning By-Law No. 6593 shall not apply within 46.0 m of the easterly lot line of Block "2", however a minimum front yard depth of 4.3 m shall be provided and maintained for the remaining lot frontage;
  - (iv) That Section 11B(3)(ii)(b) of Zoning By-law No. 6593, shall not apply to the easterly lot line;
  - (v) That notwithstanding Section 11B(6) of Zoning By-law No. 6593, a minimum landscaped area of 406.0 m<sup>2</sup> shall be provided and maintained on the lot;
  - (vi) That notwithstanding Section 18A(1)(a) of Zoning By-Law No. 6593, not less than twelve (12) parking spaces shall be provided and maintained on the lot;
  - (vii) That Section 18A(1)(c) of Zoning By-law No. 6593, shall not apply;
  - (viii) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a 1.0 m portion of the required 6.0 m parking space length may be raised;
  - (ix) That Section 18A(11)(a) of Zoning By-law No. 6593, shall not apply to the westerly lot line;
  - (x) That Section 18A(25) of Zoning By-law No. 6593, shall not apply;
- (c) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
- (i) That Section 14(3) of Zoning By-law No. 6593, shall not apply to the existing church only;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1269, and that the subject lands on Zoning District Map W13 be notated S-1269;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W13 for presentation to City Council;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (g) That the approved Kirkendall North Neighbourhood Plan be amended by redesignating Block "1" from "Single and Double Residential" to "Medium Density Apartments".



2. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting of 1992 April 8 were adopted as circulated.

B. BUILDING COMMISSIONER

(a) **Annual Conference of the Ontario Association of Committees of Adjustment**

As recommended by the Building Commissioner in a report dated 1992 April 2, the Committee recommended to Council as follows:

That the Chairman of the Committee of Adjustment, or his nominee, be authorized to attend the 1992 Annual Conference of the Ontario Association of Committees of Adjustment and consent Authorities to be held for three days, 1992 May 31 - June 3 in Windsor, Ontario, at an expense not exceeding \$900 to be charged to Account No. CH55201-10010, Legislative Travelling.

(b) (i) **Demolition of 168 Emerson Avenue**

As recommended by the Building Commissioner in a report dated 1992 April 13, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 168 Emerson Avenue.

(ii) **Demolition of 473 Upper Sherman Avenue**

As recommended by the Building Commissioner in a report dated 1992 April 13, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 473 Upper Sherman Avenue.

(c) **Commercial Facade Loan Programme - 244 Ottawa Street North, Hamilton**

As recommended by the Building Commissioner in a report dated 1992 April 10, the Committee recommended to Council as follows:

That a Commercial Facade Loan in the amount of nine thousand, three hundred and seventy dollars (\$9,370.) be approved for Steve Culibrk, 224 Ottawa Street North, Hamilton at an interest rate of 4 1/8 percent amortized over 10 years.

(d) **Ontario Home Renewal Programme**

As recommended by the Building Commissioner in a report dated 1992 April 16, the Committee recommended to Council as follows:

(a) That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one hundred and sixty (\$160.) be approved for Doreen Ondriska, 122 Wexford Avenue North, Hamilton at an interest rate of 8 percent amortized over 1 year; and,

(b) That because of the small amount involved, the normal policy of Registering a Lien on Title is not recommended and the sole security will be the Promissory Note.



C. INFORMATION REPORTS

The Committee was in receipt of the following information reports:

- (a) A report from the City Solicitor regarding recent Administration Tribunal Update, dated 1992 April 9.
- (b) A report from the Commissioner of Planning and Development regarding Rental Housing Protection Act, 1989 - Status Report on Applications submitted to date, dated 1992 April 14.
- (c) A report from the Commissioner of Planning and Development regarding approved site plan control applications dated, 1992 April 14.

The Committee recessed and reconvened at 10:30 a.m.

ZONING APPLICATIONS

3. **City Initiative 85-F, for a general text amendment to Zoning By-law No. 6593**

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 14, the Committee recommended to Council as follows:

That approval be given to City Initiative 85-F to amend Zoning By-law No. 6593, as amended by By-law No. 86-223, by providing for a revised definition of "Outdoor Patio" on the following basis:

- (a) That subsection 2.(2)D. of Zoning By-law No. 6593, as amended by By-law No. 86-223, be further amended by deleting clause (viii) and substituting in lieu thereof the following:
  - (i) "Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.
- (b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 for presentation to City Council.
- (c) That the proposed by-law is in conformity with the Official Plan for the Hamilton Planning Area.

4. **Amended Zoning Application 90-61, 662016 Ontario Limited (Bayfield Green Development Company), owner, for changes in zoning from "AA" to "G" for Block "1" and from "C" to "G" for Block "2", for property located at No. 1471 Upper James Street; Ryckman's Neighbourhood**

The Committee was in receipt of a letter of objection from Gordon Albini of 78 Queenston Road, Hamilton, L8K 1E9.

Paul Mallard explained that the purpose of the application is to change the use from agricultural to accommodate a shopping centre. He advised that in 1990, the City provided commercial zoning to the north.

Mr. Albini of 78 Queenston Road was present. He requested relief from a condition of zoning requiring 900074 Ontario Inc. from entering into agreement with the applicant regarding provision of access to Upper James Street since negotiations on this have proved to be unsuccessful.



Neil Rodgers, on behalf of 662016 Ontario Limited, 365 Bloor Street East, Suite 1906, Toronto, M4W 3L4 was also present. He was convinced that the access issue will be soon addressed and that Mr. Albini's objections are not to the rezoning but to the matter of the condition regarding accessibility. He was also concerned with the purchase of the remnant parcel of land between that in question and Regina Drive. A brief discussion ensue regarding this strip of land and the requirement for a continuum 6 metre landscape strip around the development.

Paul Mallard advised that the recommendation before the Committee states that the by-law is to be held in abeyance subject to conditions.

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 15, the Committee recommended to Council as follows:

- A. That approval be given to Zoning Application 90-61, 662016 Ontario Limited, (Bayfield Green Development Company), owner, requesting a change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District (Block "2"), to permit development of the subject lands for a retail plaza in conjunction with adjoining lands located to the north, for the property located at 1471 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as Appendix "B", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;
  - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;
  - (c) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
    - (i) That notwithstanding Section 13.(3)(i), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire westerly boundary of Block "2";
    - (ii) That Section 13.(3)(ii) shall not apply;
    - (iii) That a minimum 6.0 m wide landscape strip shall be provided and maintained along the entire westerly boundary of Block "2".
  - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1270, and the subject lands on Zoning District Map E-9D be notated S-1270;
  - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
  - (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.



- B. That the amending By-law not be forwarded for passage by City Council until such time as:
- (a) the applicant assembles and appropriately rezones the adjoining lands to the south, up to the proposed mid-block collector road;
  - (b) the applicant applies for and receives approval of a site plan including adjoining lands to the north, and south up to the proposed mid-block collector road, and incorporates the applicable "Urban Design Guidelines for Upper James Street"; and,
  - (c) the City Solicitor has been notified by the applicant (Bayfield Green Development Company) that a satisfactory mutual right-of-way agreement(s) have been entered into with the property owners to the north (R. Yates and T. Yates) to provide permanent access to Upper James Street and the proposed mid-block collector road.

5. **Zoning Application 92-02, J. V. Gates (In Trust), prospective owner, for a further modification to the established "E" District regulations, for property located at No. 124 Walnut Street South; Corktown Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 April 16.

Paul Mallard advised that the application is to permit a residential care facility for 70 seniors. In 1976, the use was converted to allow 35 apartment units. He explained that normally 20 units are only permitted in a residential area but that in this case, a request for 70 for this building and location is reasonable. The recommendation is to allow conversion of the existing building only but the applicant is requesting a third storey addition. Committee must consider if this will require recirculation of the application. Of 488 notices which were sent, 17 people responded in favour and 3 opposed.

Doreen Blair of 32 Bailey Street in Hamilton was present. She stated that the present building is in bad disrepair and questioned its use for elderly people. She was also concerned about parking facilities.

Jim Gates, the applicant, distributed photos of the building to Committee members. He gave various details of his project including the fact that there will be a greenhouse on the third floor. High density windows will be installed, and the additional 3rd floor will be 5 feet higher from the front elevation. He is investigating leasing a portion of the sidewalk on Walnut Street for landscaping purposes. There is a zero lot line on the westerly side of the property for the purposes of erecting a ramp and awning. Some landscaping is also to be done on land leased from the railway. With regard to heating and vibrations from the railway, special flooring will be installed which will provide radiant heating and act as an absorbent for vibrations. A compost room will be on site and castings produced will be used for the greenhouse.

In summary, Mr. Gates advised that the third floor is necessary to provide more space for movement. The capacity of residents will not be increased as a result.

Alderman McCulloch explained that the applicant's proposal has been well thought out and that the noise and vibration concerns have been addressed. He is confident that a recircularization of the application for the 3rd floor addition is not warranted.



In response to a concern from Mrs. Blair, Mr. Gates advised that 13 parking spaces are to be provided and the existing loading dock is to be removed.

Alderman Wilson was concerned with the Regional by-law which allows no more than 24 beds in a residential neighbourhood.

After discussion, the Committee approved the following recommendation for Council's consideration:

- A. That approval be given to amended Zoning Application 92-02, J.V. Gates (in trust), owner, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit the conversion of the existing building, including a new one storey addition on top of the existing building, to permit a residential care facility for the accommodation of 70 qualified senior citizens, for property located at 124 Walnut Street South, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 as amended by By-law No. 86-179, applicable to the subject lands, be further amended to include the following variances as special requirements:
    - (i) That notwithstanding Section 11(1) of Zoning By-law No. 6593, the following uses shall be permitted within the existing building at the date of the passing of the By-law, and within a new one storey addition on top of the building:
      - (1) a residential care facility for the accommodation of not more than 70 residents being qualified Senior Citizens; and,
      - (2) a beauty parlour/barber shop as an accessory use.
    - (ii) That an amenity area of not less than 167 m<sup>2</sup> shall be provided and maintained within the building;
    - (iii) That Section 11(7) of Zoning By-law No. 6593, shall not apply;
    - (iv) That Section 18(3)(vi)(b)(iii) of Zoning By-law No. 6593 shall not apply to the canopy for the ramp for the physically handicapped located within the westerly side yard;
    - (v) That the yard setback requirements as contained in Section 2(b) of By-law No. 86-179 shall be extended to apply to the new one storey addition on top of the existing building;



- (vi) That Section 2 (c) of By-law No. 86-179 be amended by changing the number "20%" in the third line to "14.7%", so that the revised clause (c) reads as follows:

"notwithstanding subsection 11(6) of By-law No. 6593, not less than 14.7% of the area of the lot on which the building is situate shall be landscaped;"

- (vii) The provisions of Section 2(b), (c) as amended, (d), (e), and (f) of By-law No. 86-179 shall apply to the subject lands.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-950a, and that the subject lands on Zoning District Map E-5 be notated S-950a; and,
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

- B. That the applicant enter into an encroachment agreement with the City of Hamilton for the portions of the building, steps and retaining wall which encroach upon the Walnut Street road allowance.

\*Alderman Wilson opposed

6. **Amended Zoning Application 91-18, Vedemo Construction Ltd., owner, for changes in zoning from "AA" to "C" for Block "1", from "AA" to "RT-20" for Block 2 and from "D" to "RT-20" for Block "3", for lands located on the west side of Bow Valley Drive and south Highridge Avenue; Riverdale East Neighbourhood**

The Committee was in receipt of correspondence in objection to the application from Peter Conadetti of 90 Strawberry Drive, Hamilton, L8E 4R4

The applicant on behalf of Vedemo Construction was present.

Paul Mallard advised that the application has been amended to satisfy neighbours concerns voiced at a neighbourhood meeting.

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 14, the Committee recommended to Council as follows;

- A. That approval be given to Official Plan Amendment No. 110 to redesignate Blocks "1" and "2" from "Open Space" to "Residential", and to remove the affected portions of Blocks "1" and "2" from the "Hazard Lands" designation, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That approval be given to amended Zoning Application 91-18, Vedemo Construction Limited, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "2"); and from "D" (Urban Protected Residential - One



and Two-Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse - Maisonette) District (Block "3"), to permit development of the subject lands

for two (2) single-family dwellings and townhouses, in conjunction with development of adjoining lands to the south, for lands located on the west side of Bow Valley Drive and south of Highridge Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- (c) That Block "3" be rezoned from "D" (Urban Protected Residential, One and Two - Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- (d) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Sections 9(3)(ii) and 9(3)(iii) of Zoning By-law No. 6593, no building or structure, except a fence, shall be set back less than 7.5 m from the "top of bank" along the west limit of Block "1";
- (e) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 10E(4)(b) of Zoning By-law No. 6593, no building or structure, except a fence, shall be set back less than 7.5 m from the "top of bank" along the west limit of Block "2";
- (f) That the "RT-20" (Townhouse-Maisonette) District regulations applicable to the lands shown as Block "4" be further amended as follows:
  - (i) The subsection 1. of Section 2. of By-law No. 76-161 be amended by adding the wording, "except a fence" after the word "structure" in the first line, by changing the dimension "25 feet" in the second line to "7.5 m", and by substituting the wording "top of bank" for the wording "edge of the ravine" after the word "the" in the second line, so that the revised Section reads as follows:
    - "2.1 No building or structure, except a fence, shall be set back less than 7.5 m from the top of bank extending along the west limit of Block "1".



- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as S-487a, and that the subject lands on Zoning District Map E-124 be notated S-487a;
  - (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-124 for presentation to City Council;
  - (i) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 110 by the Regional Municipality of Hamilton Wentworth;
  - (j) That the Riverdale East Neighbourhood Plan be amended by redesignating Block "1" from "Park and Recreational" to "Single and Double Residential", by redesignating Block "2" from "Park and Recreational" to "Attached Housing" and by redesignating part of Block "3" from "Single and Double Residential" to "Attached Housing".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant submits a survey plan showing the "top of bank" to the satisfaction of the Hamilton Region Conservation Authority, for those lands adjacent to the Stoney Creek Ravine forming part of the subject lands.
7. **Zoning Application 91-87, Tyka Investments Ltd., owner, for changes in zoning from "AA" to "R-4" for Block "1" and from "AA" to "RT-30" for Block "2" for property located at No. 1158 Upper Wentworth Street, Crerar Neighbourhood**

Paul Mallard advised that the request for change in zoning is from agricultural to residential to allow townhouses and single family homes. One year ago, an application for townhouses was denied. Access to the development from Upper Wentworth Street is prohibited and, as such, visual barrier and landscape strips are required.

Tony Rizzo of 245 Crerar Drive was present to object to the fact that access to the development is via Crerar Drive. He was concerned with trespassing, parking and congestion. He suggested that access be either to the north of the development or from Upper Wentworth Street.

The applicant, John Tymoshuk, advised his original application was for access from Upper Wentworth Street and that this is preferable to him.

Alderman Merling concurred with Mr. Rizzo and added that the alleyway to be used is narrow and service vehicles must back into the development. He stated that the design is awkward, unsafe and should not be supported. He suggested that a 25 foot access from Upper Wentworth Street is preferable.

Geoff Aston advised that Regional policy limits access near interchange areas.

After discussion, the Committee forwarded the following recommendation to Council for consideration.

That approval be given to amended Zoning Application 91-87, Tyka Investments Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block 1) and "RT-20" (Townhouse-Maisonette) District (Block 2) to permit the development of the subject lands for small lot single-family dwellings and townhouses for property located at



1158 Upper Wentworth Street, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
  - (i) that a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly limit of the District.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1271, and that the subject lands on Zoning District Map E-18B be notated S-1271;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-18B for presentation to City Council;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (g) That the Crerar Neighbourhood Plan be amended to redesignate Block "2" from "Single and Double" to "Attached Housing".

8. **GRAHAM O'DONNELL - CORRESPONDENCE**

The Committee was in receipt of correspondence from Mr. O'Donnell dated 1992 March 27, regarding an application to rezone the City Hall lands.

Graham O'Donnell was present in support of his request.

After brief discussion, the Committee moved that no action be taken on the request.

9. **OTHER BUSINESS**

None

10. **ADJOURNMENT**

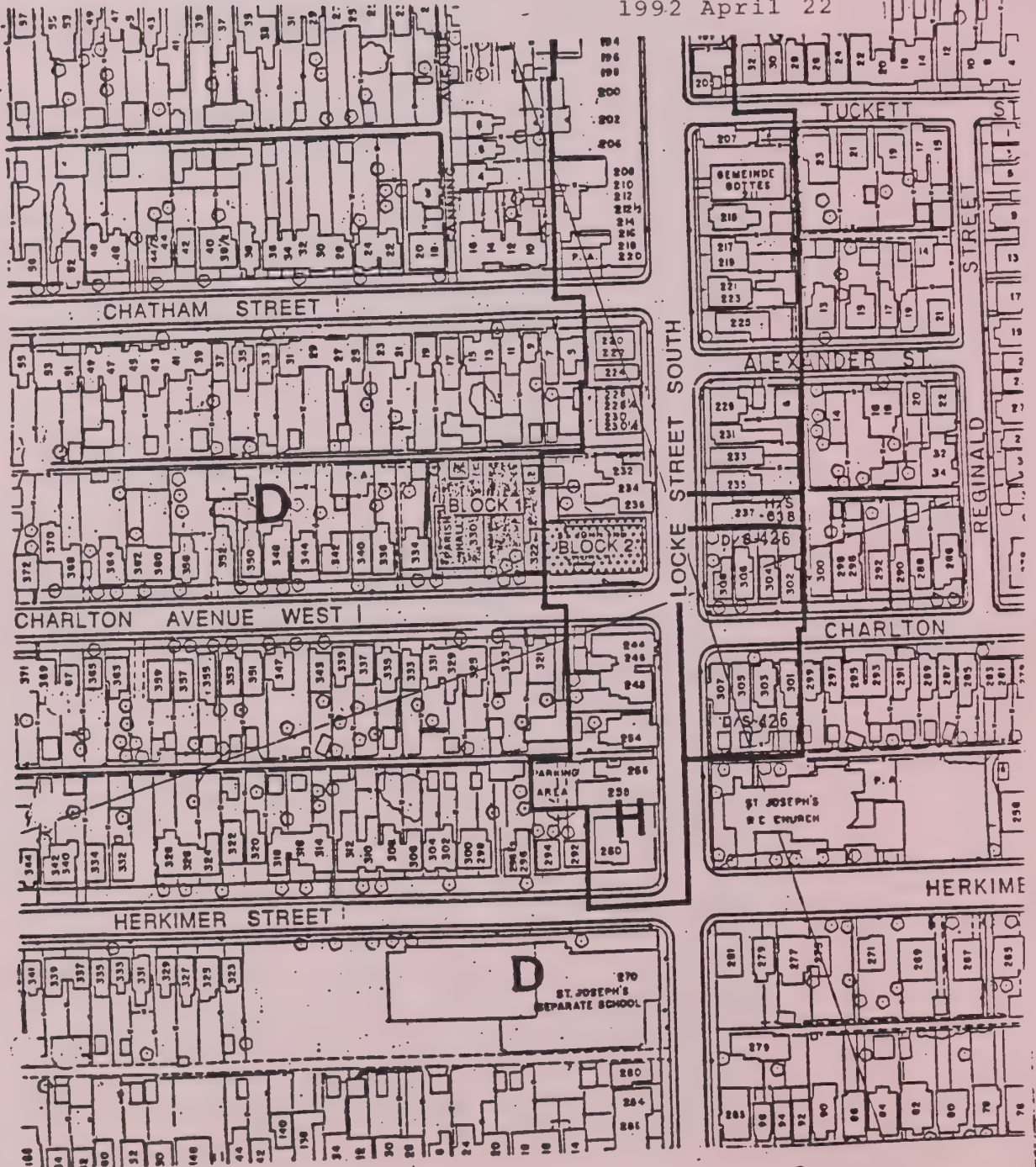
There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE



Appendix "A" referred to  
in Section 1 of the minutes  
of the Planning and  
Development Committee meeting  
1992 April 22



#### Legend



Proposed change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District, Modified.



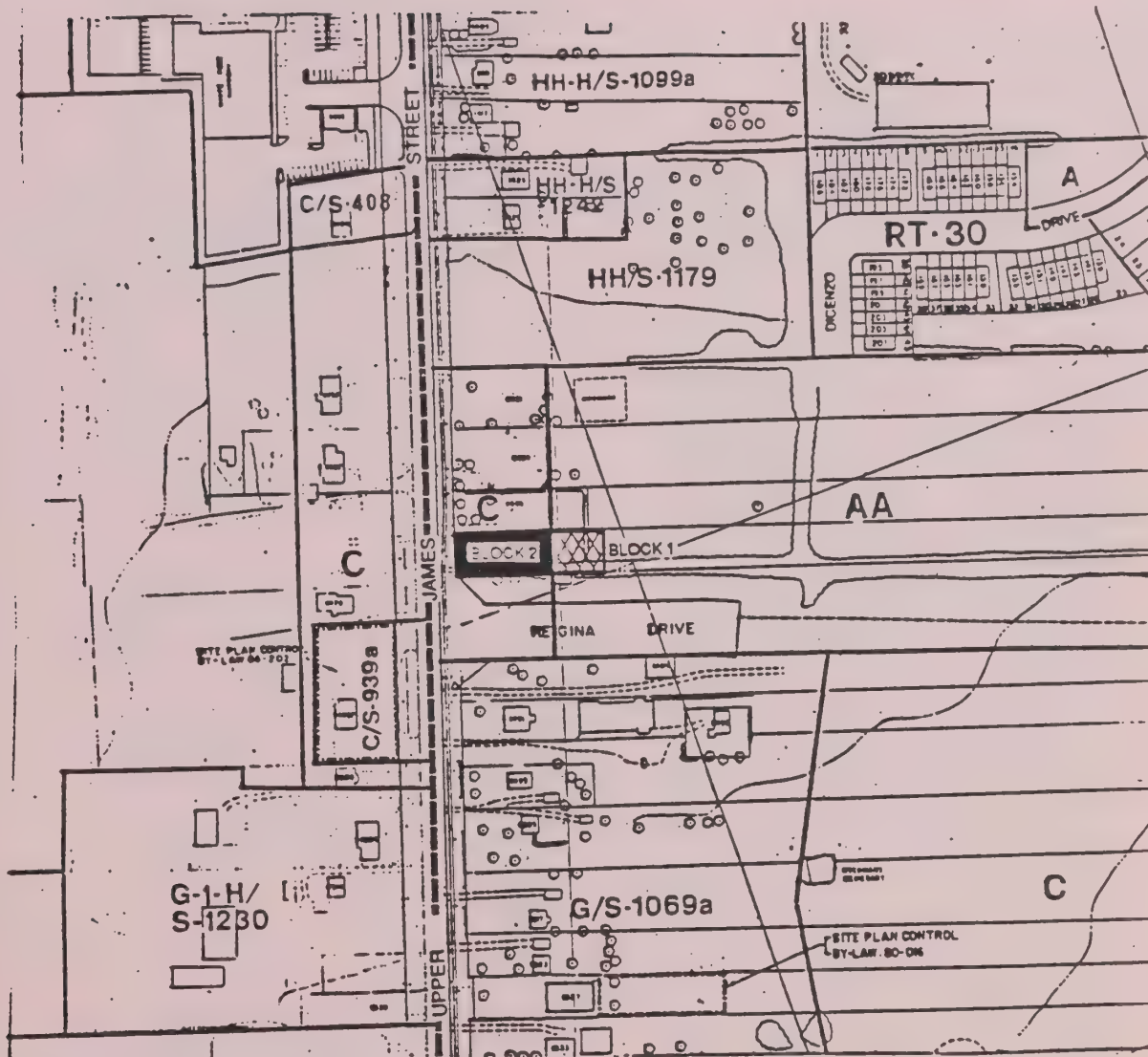
Modification to the "H" (Community Shopping and Commercial, etc.) District.



24 91-78



Appendix "B" referred to in  
Section 4 of the minutes of  
the Planning and Development  
Committee meeting of  
1992 April 22



# Legend

Proposed change in zoning from:

BLOCK 1

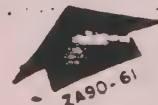


"AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District.

BLOCK 2




"C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District.





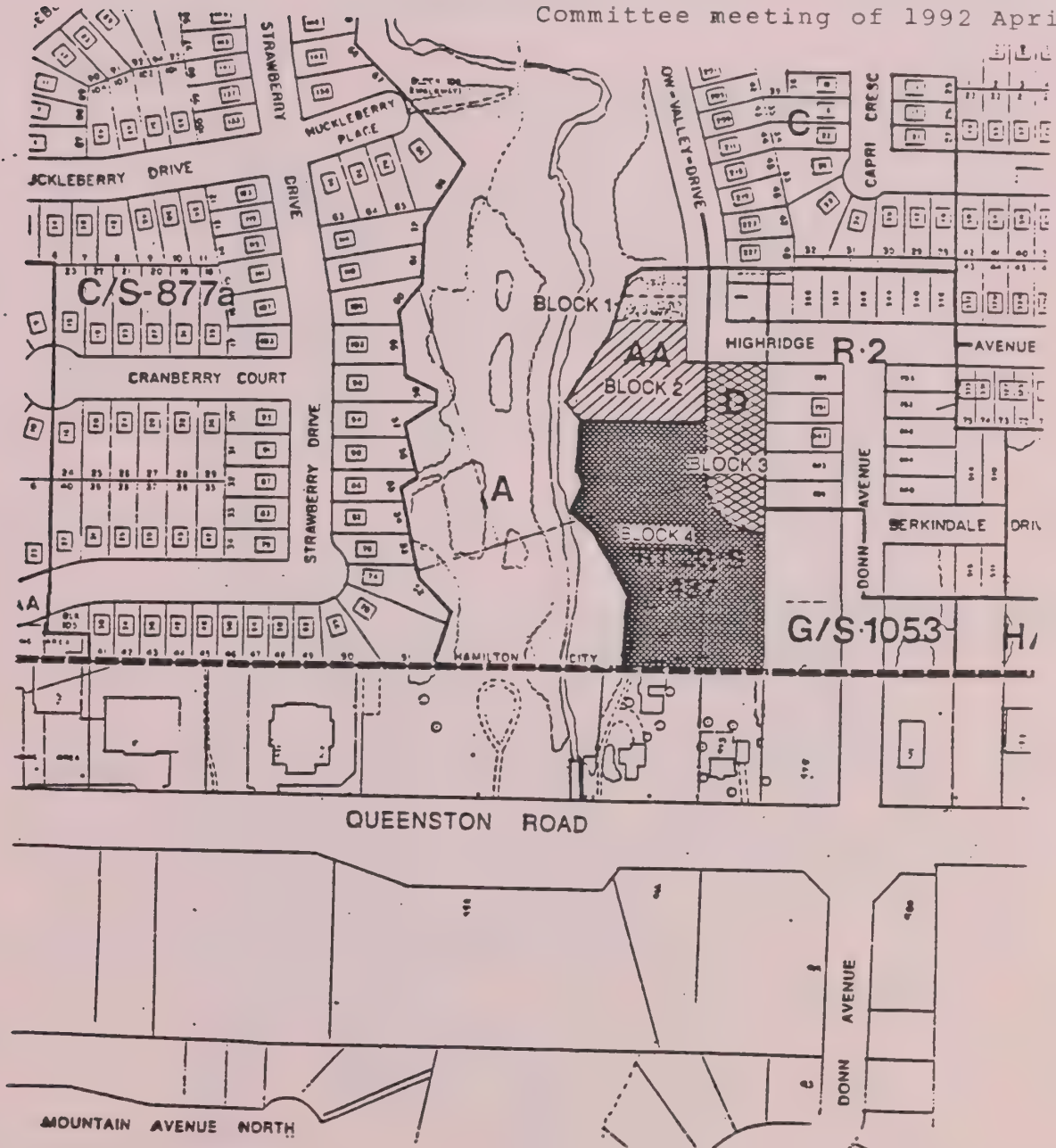
This is a detailed street map of the Hunter Street area in Vancouver, British Columbia. The map shows a grid of streets including Hunter Street, Augusta Street, Young Street, and Catharine Street. A diagonal railway line runs through the center. Various lots are numbered, and specific areas are labeled with codes like 'H/S-790', 'E/S-267', 'E/S-950', 'E/S-357', 'G-3', and 'F-3'. A 'SITE PLAN' is indicated with 'CONTROL BY-LAW 82-109' and 'T.H. & B.'

**Figure 6**









Appendix "D" as referred to  
in Section 6 of the minutes  
of the Planning and Development  
Committee meeting of 1992 April 22



**Legend**

Proposed change in zoning from :

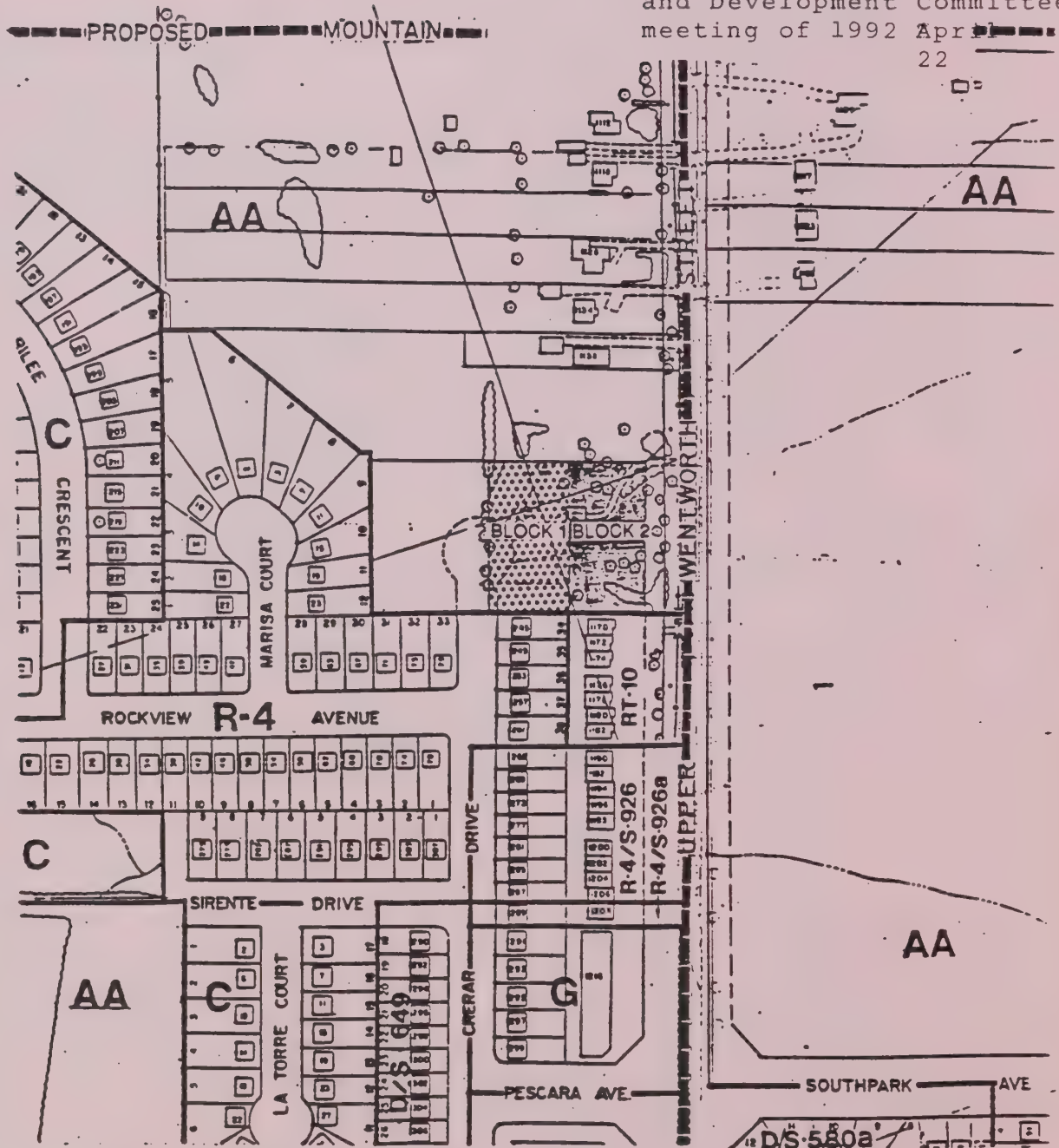
- |         |   |   |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.   |
| BLOCK 2 |  | "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.  |
| BLOCK 3 |  | "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 4 |  | Lands to be further amended   |





Appendix "E" as referred  
to in Section 7 of the  
minutes of the Planning  
and Development Committee  
meeting of 1992 April 22

22



### Legend

Change in zoning from "AA" (Agricultural District) to:

BLOCK 1



"R-4" (Small Lot Single-Family Detached) District.

BLOCK 2



"RT-20" (Street-Townhouse) District.





B.

APR 27 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 April 27

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Coutts, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** St. Clair Boulevard Heritage Conservation District

**RECOMMENDATION:**

- a) That City Council give approval to designate by by-law, the St. Clair Boulevard Heritage Conservation District as outlined on the map attached hereto and marked as Appendix "A", under Part V of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized and directed to take appropriate action to have this District designated pursuant to the provisions of the Ontario Heritage Act, 1983.
- c) That City Council adopt by resolution the St. Clair Boulevard Heritage Conservation District Plan.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

City Council approved the recommendation put forward by the Local Architectural Conservation Advisory Committee to prepare a background study and plan for the proposed St. Clair Boulevard Heritage Conservation District on 1988 February 9.

A Steering Committee comprised of a number of the residents (in this case the Executive of the St. Clair Boulevard Homeowners' Association) was established in the early stages of the study period in order to assist in an advisory capacity in the preparation of the District Plan. Once completed, the St. Clair Boulevard Heritage Conservation District Background



1992 April 24  
Recommendation

- 2 -

Study and Plan was forwarded to the Steering Committee, which approved both the designation of the District and the District Plan.

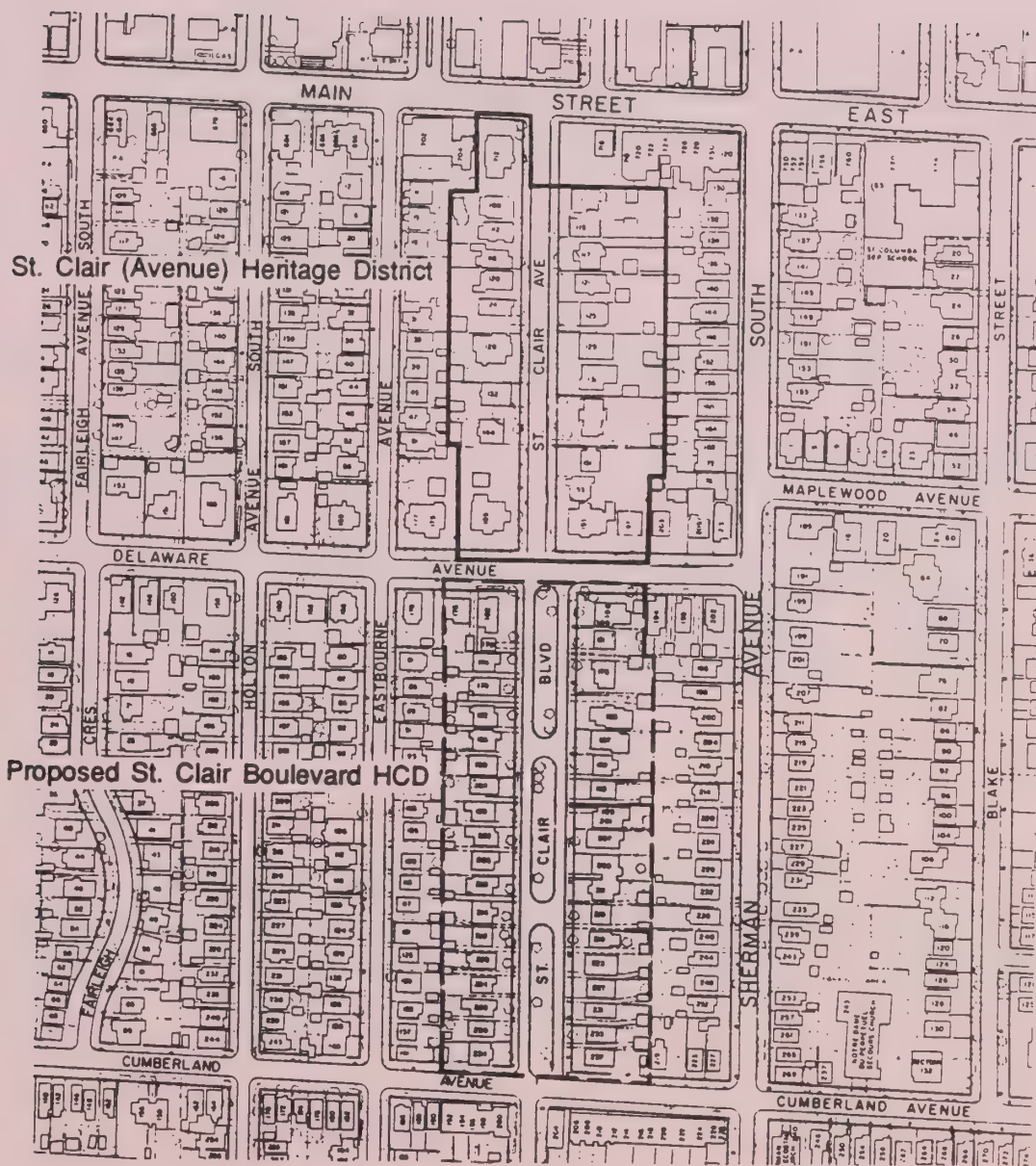
The Local Architectural Conservation Advisory Committee at its meeting held 1992 April 24 approved this recommendation for presentation to the Planning and Development Committee.

cc: Victor Abraham, Director of Local Planning  
Patrice Noe Johnson, City Solicitor  
Ann Gillespie, Planning Department

attached



# APPENDIX A



Map showing the proposed St. Clair Boulevard Heritage Conservation District, directly south of the existing St. Clair (Avenue) Heritage District.







C.L.(a)  
APR 23 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**


**DATE:** 1992 April 14

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. C. King, P. Eng.  
Building Commissioner

**SUBJECT:** APPOINTMENT OF TRADES LICENCE INSPECTORS  
(B.I. 92-03)

**RECOMMENDATION:**

- 
- a) That the City Clerk be authorized and directed to notify the Administrator of Licences for the Region of Hamilton-Wentworth, that the City of Hamilton's Building Inspectors and the Chief Building Official as appointed by By-Law 92-094, and any amendments thereto, be appointed as Trade Licence Inspectors.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

Last year Regional Council amended the Regional Trades Licensing By-Law by delegating authority to the Administrator of Licences to appoint employees of area municipalities as Trades Licence Inspectors, providing that such persons have been appointed as a Chief Building Official or an Inspector for the purpose of The Building Code Act by the Council of the area Municipality.







C.(b)

APR 28 1992

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 April 28

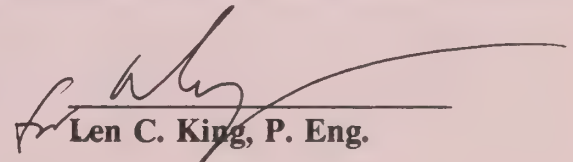
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1437 Barton Street East - Tag Number 86249

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for **1437 Barton Street East**. Subject to owner submitting proof that the title of the lands located at 1437 & 1441 Barton Street East have merged.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "DE" (Low Density Multiple Dwelling).

**PRESENT USE:** Single Family Dwelling.

**PROPOSED USE:** Parking for adjacent Church to the east.

**BRIEF DESCRIPTION:** 1 1/2 storey brick dwelling in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a parking area for the existing church located immediately to the east (Municipal number #1441 Barton Street East). The demolition permit application will be held by this department until the owner submits evidence that the two parcels of land will merge titles into one parcel of land to satisfy zoning By-Law requirements. Lot size 35.25' x 118.00'.

The proposed owner of the property as per the demolition permit application is:

The Kingdom of Jehovah's Witnesses  
1441 Barton Street East  
Hamilton, Ontario  
L8H 2W7

Attn: Gord Yokum Telephone: 545 7040







## - RECOMMENDATION -

APR 30 1992

**DATE:** 1992 April 14

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P. Eng.  
Building Commissioner

**SUBJECT:** Commercial Facade Loan Programme  
84 1/2 Ottawa Street North, Hamilton

**RECOMMENDATION:**

That a Commercial Facade Loan in the amount of fifteen thousand dollars (\$15,000.) be approved for 914914 Ontario Inc., Howard's Flower Shop c/o Gerald Carey, 84 1/2 Ottawa Street North, Hamilton. The interest rate will be 4 1/8 percent, amortized over 10 years.

  
Mr. L. King, Building Commissioner**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The owner of 84 1/2 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

This property has undergone extensive fire damage and the insurance is paying for \$89,280. of the total rehabilitation cost of \$107,780. The facade loan will cover \$15,000. on the balance being raised by the owner

The Building Department therefore recommends the approval of a Commercial Facade Loan to 914914 Ontario Inc., Howard's Flower Shop c/o Gerald Carey for improvements to 84 1/2 Ottawa Street North in the amount of \$15,000. The loan will be amortized over a 10 year period at 4 1/8 percent interest. The monthly payments will be \$150.90 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department







D. (a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 April 24  
(P5-7-8)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

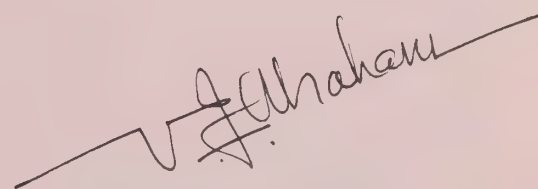
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City of Hamilton Comments on Vision 2020 - The Draft  
Vision Statement of the Regional Chairman's Task Force  
on Sustainable Development

**RECOMMENDATION:**

- A) That the Planning and Development Committee recommend to City Council that the comments contained in the report "City of Hamilton Comments on Vision 2020 - The Draft Vision Statement of the Regional Chairman's Task Force on Sustainable Development", attached herewith and marked Appendix A, be endorsed; and,
- B) That the City Clerk be directed to advise the Regional Chairman's Task Force on Sustainable Development of City Council's endorsement.

J.D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department

  
V.J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



**BACKGROUND:**

On December 31, 1991, the Regional Chairman's Task Force on Sustainable Development released its draft vision statement entitled "Vision 2020" (attached as Appendix B). The draft Vision Statement was formulated by the members of the Task Force and several citizens, who sat as members of working groups dealing with a variety of issues. The draft Vision Statement has been circulated to the community, including the City of Hamilton, for response. Staff of the Planning and Development Department subsequently circulated the draft Vision Statement to other municipal departments for comment; no further comments were received.

Vision 2020 has the very real potential to establish a broad context for Regional decision-making at present and in future years and on this basis the purpose and long-term objective of the document can be supported. The challenge to the Region and the Task Force is to establish an effective implementation plan for the Vision.

As noted in Appendix A, the comments from the City of Hamilton perspective on the draft Vision 2020 document can be summarized as follows:

- ° There is no connection or link between existing urban form in Hamilton-Wentworth and the idealized state envisaged by Task Force;
- ° The Vision 2020 document is silent in regard to areas of responsibility among different levels of government including the Area Municipality level; and,
- ° The document is written in language that suggests there are at present major problems or issues in Hamilton-Wentworth; these issues are not documented in the Vision Statement nor have they been substantiated in any regard.

MLT/KE/



## APPENDIX A

### COMMENTS ON VISION 2020: THE DRAFT VISION STATEMENT OF THE REGIONAL CHAIRMAN'S TASK FORCE ON SUSTAINABLE DEVELOPMENT

The members of the Task Force and the members of the working groups are to be congratulated for the work they have accomplished and the consensus reached on a broad range of difficult Regional issues. The Vision Statement contains broad principles regarding sustainable development and, in very general terms, these principles can be supported. However, the following comments of the City of Hamilton are noted which could be used to strengthen the Vision:

- Sustainable Development Defined

The Task Force defines sustainable development as follows: "Sustainable development requires the integration of economic, environmental and social factors in both private and public decision making to ensure a viable future for us all."

While the definition is broad, the inclusion of the phrase "private decision making" is problematic in that private decisions are made at many levels ranging from individuals to large corporations. It is unclear as to the context for including "private decision making" in the definition. In addition, the Task Force may wish to recognize that the Region cannot mandate private decision making. Further, it must be recognized that all levels of Government need to work together with private interests to achieve solutions.

- Principles of Sustainable Development

The Vision Statement contains the following four principles on sustainable development:

"1. the fulfilment of human needs for peace, clean air and water, food, shelter, education, and useful and satisfying employment;"

Comment: While all persons would support and desire "useful and satisfying employment", this is a subjective description based on individual interpretation. Useful and satisfying employment is not within the realm or control of Regional government. However, the Region can work to develop opportunities for productive employment for Hamilton-Wentworth's citizens.

"2. the maintenance of ecological integrity through careful management, rehabilitation, reduction in wastes and protection of diverse and important natural species and systems;"

Comment: This principle can be supported.



- "3. provision for self-determination through public involvement in the definition and development of local solutions to environmental and development problems; and,"

Comment: The City of Hamilton supports broad-based community decision-making in all areas of municipal responsibility. However, the term "development" is unclear and should be defined.

- "4. achievement of equity with the fairest possible sharing of limited resources among contemporaries and between our generation and our descendants."

Comment: The idea of equitable distribution of resources and equitable access to resources is certainly a laudable goal; however, it is implied there are inequities at present. This principle of equity requires further explanation.

### • The Vision

The Vision Statement is separated into the following categories: Overview; The Landscape; Our Communities; Getting Around; Quality of Life; and Livelihood. Each is summarized below and, where applicable, comments are provided.

#### a) Overview

The overview, in part, states: "In the year 2020, Hamilton-Wentworth is home to approximately 1/2 million people, living in a region made up of compact urban core areas, surrounded by a rural landscape that includes productive farms, hamlets, and a continuous network of natural areas." While this is a supportable objective, there is no recognition of the existing built urban form in Hamilton-Wentworth nor is there a link established between the present built urban form and the Vision outlined in this statement. The role of the Central Area of the City of Hamilton should also be strengthened and recognized. The Task Force must recognize the present built urban form will to a very large extent constitute the built urban form in future years.

#### b) The Landscape

Within this section, there are inferences made to existing problems which may in fact not exist. For example, the Vision states that "Citizens abide by environmental laws and regulations ... ." Implicit within this statement is the idea that citizens currently do not abide by environmental laws and regulations. The Task Force may wish to re-examine the style in which the document is written to clarify the intent of statements such as this.



Reference is made in this section to the evaluation of private initiatives. It should be noted that, within the realm of Regional government, the opportunities to directly review and evaluate private initiatives is limited. The Task Force may wish to clarify the intent of this term.

c) Our Communities

The Vision presented within this section is one of mixed land use with opportunities for employment and residence in close geographical proximity. While this is an idealized community, it should be recognized that not all persons choose to live in such a community. There will continue to be a significant number of families and individuals who prefer a more suburban style of community and opportunities for all preferences should be recognized within the Vision.

d) Getting Around

The central theme of this section of the Vision is a move away from the automobile as the central means of transportation. Also emphasized is the use of public transit, bicycles, and walking as the predominant means of transportation. Given the persistent decrease in public transit ridership and that our region has been developed around the auto, this Vision may be difficult to achieve. In this event, the challenge could be viewed as how to incorporate the use of the automobile into our communities' designs without allowing the automobile to dominate our physical community.

e) Quality of Life

Within this section, the Vision Statement addresses those needs which should be fulfilled within our community. These include: shelter, income, food, and education. Our community should also be integrated, safe, and non-violent. These are general principles which are important goal statements for our community to strive towards.

There are two specific concerns with particular statements which the Task Force may wish to re-examine. First, the statement "disease and disability are being progressively reduced." It should be recognized that eliminating disabilities is something that may in fact never happen. Another important goal is to strive for the full integration of persons that are physically and mentally challenged into our communities in every manner.



The second concern is with the statement "our cultural institutions and groups advocate values consistent with environmental sustainability. Educational institutions instill sustainable values and citizens pursue sustainable lifestyles." Values are extremely personal based on the individual's beliefs and moral code. Therefore, a more concrete goal to address is supporting the principles of sustainable development and achieving the incorporation of these principles into our community's consciousness and expectations through our educational institutions.

f) Livelihood

This section of the Vision addresses the economic base of our community. Several issues are addressed including sustainable economic growth and the agricultural sector. What is not included, however, is the idea of the Region working with the industrial, commercial, and agricultural sectors of Hamilton-Wentworth to achieve sustainable economic growth. Also, the Task Force may wish to include within this section a Vision on long-term job creation to facilitate other aspects of the Vision (such as Quality of Life) for the citizens of Hamilton-Wentworth.

In addition, the Task Force must recognize that Hamilton-Wentworth is not immune to the changes occurring the global marketplace. Increasingly, all goods and services are being costed on an international basis; therefore, the future economic success of the community depends on identifying and building upon Hamilton-Wentworth's comparative advantage in Canadian and world marketplaces.



## APPENDIX B



# VISIONS

a sustainable future for hamilton-wentworth

Issue No. 3

Winter 1992

## THE CHAIRMAN'S TASK FORCE ON SUSTAINABLE DEVELOPMENT

The Chairman's Task Force on Sustainable Development was established by Regional Council to investigate the concept of sustainable development, as a way to guide planning, economic development, budgeting and other Regional decision making in the future. Comprised of 15 citizens and 3 regional councillors, the Task Force through extensive consultation with the residents of Hamilton-Wentworth has completed the first draft of "VISION 2020", a statement of the type of community Hamilton-Wentworth should be in the year 2020.

the fulfillment of human needs for peace, clean air and water, food, shelter, education, and useful and satisfying employment;

the maintenance of ecological integrity through careful management, rehabilitation, reduction in wastes and protection of diverse and important natural species and systems;

provision for self-determination through public involvement in the definition and development of local solutions to environmental and development problems; and

achievement of equity with the fairest possible sharing of limited resources among contemporaries and between our generation and our descendants.



Discussion about community design by participants at the June 1991 Forum, Creating the Sustainable Region.

## SUSTAINABLE DEVELOPMENT DEFINED

We the members of the Task Force define sustainable development as positive change which does not undermine the environment or social systems upon which we and future generations are dependent. Sustainable development requires the integration of economic, environmental and social factors in both private and public decision making to ensure a viable future for us all. The success of sustainable development depends upon widespread understanding of the critical relationship between people and their environment and the will to make the necessary changes. The principles of sustainable development encompass:

## WHO WROTE "VISION 2020"?

The process leading to the development of the first draft of "VISION 2020" has been a long but necessary one, as we the members of the Task Force set out to achieve the objective of reaching as many people as possible. Early in our mandate, we hosted community workshops where residents from Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek voiced their concerns and hopes for Hamilton-Wentworth's future. These discussions provided our first glimpse into the type of community people want Hamilton-Wentworth to be.

During the Spring of 1991 assistance was received from 35 people who met with us in

8 working groups. Each group developed a vision statement centred on a specific topic area. In June 1991, we sponsored a community forum where each working group presented their vision statement and listened to the views of the forum participants.

We also felt it was critical to involve people normally overlooked. Over 20 groups such as rural seniors, native groups, and recent immigrants expressed their views and concerns through a focus group process. Since August 1991 we have been examining the working group vision statements, submissions made at the community forum and community workshops and the statements made by the focus groups. "VISION 2020" is a presentation of the views of the people of Hamilton-Wentworth as expressed through us the 18 members of the Task Force, the 20 focus groups, the working groups, and the participants at both the community forum and community workshops. With the completion of the first draft of "VISION 2020" we are seeking your continued involvement in the development of the vision statement.

## WHAT DO YOU THINK ABOUT "VISION 2020"?

As you read the first draft of "VISION 2020" think about what type of community you would like Hamilton-Wentworth to be in the year 2020. Does the Task Force vision statement match with your vision? What is missing? What should be changed or improved? What should be deleted? We invite you to make your comments and views known through one of the methods listed on this last page of the newsletter.

Once all submissions have been received we intend to revise "VISION 2020" and present it to Regional Council. "VISION 2020" will then be the guide for decision-making by Regional Council, as well as serve as the foundation for the second half of our mandate as we develop strategies to make the vision a reality.





## AN OVERVIEW

In the year 2020, Hamilton-Wentworth is home to approximately 1/2 million people, living in a region made up of compact urban core areas, surrounded by a rural landscape that includes productive farms, hamlets and a continuous network of natural areas.

We are an environmentally conscious community where the existence of all living things is cherished and where all can breathe fresh air, swim in clean streams and lakes and have ample opportunity to observe and experience the wonders of the natural world.

We are an economically, socially and culturally diverse community that encourages opportunities for individuals, reduces inequities and ensures full participation for all in community life.

We are a caring community that gives opportunity and support to all its members, including children, the aged, the physically and mentally challenged, immigrants and refugees. People live longer in good health.

Finally, we are a vibrant, vigorous community which builds on existing strengths and attracts wealth producing industries that work in partnership with government and the community to create a diverse, sustainable economy. Economic growth incorporates non-polluting, energy efficient and environmentally friendly industries, including traditional manufacturing industries that have been supported and helped to become environmentally sustainable. Industry, government and labour have great capacity for innovation in response to global economic change.



## THE LANDSCAPE

The health and beauty of the countryside and townscape are a source of great civic pride. A protected system of natural areas threads throughout the region, preserving and improving our natural heritage. This system of natural areas and connecting corridors allows wildlife to migrate, enhancing their chances of reproducing and finding food and shelter. A recreational greenway gives residents access to this system of natural areas, in ways that do not threaten ecological processes. Recreation and the needs of wildlife for a protected habitat co-exist.



As a community, we cherish a clean, healthy environment and work to prevent ecological degradation. Waste-reduction, energy-efficiency and respect for ecological systems characterize all aspects of community life and decision making, including government, business and industry. Citizens abide by environmental laws and regulations and help educate each other on ways of living in harmony with the natural world. We are a model for other communities in the way in which we integrate short-term economic benefits, long-term environmental and social costs, and indirect economic costs in our evaluation of public and private initiatives.

## OUR COMMUNITIES

Urban areas are laid out, and individual buildings designed and located, in ways that maintain community character, respect our cultural and natural heritage, and satisfy people's needs and desires. Urban development occurs within firm boundaries. Green corridors bring nature into the city, giving people easy and convenient access to the open countryside, natural areas and continuous public open space along the bayshore and lakeshore.

Our neighbourhoods are models of energy-efficiency, waste-reduction and respect for nature. Human needs for space, privacy, safety, and aesthetic appeal are fulfilled.

In the year 2020, we know our neighbours. We live in communities and neighbourhoods together with people of all ages and walks of life. Different kinds of activities and land uses are mixed closely together, so that we can walk to meet our daily needs for work, recreation and other services. Each neighbourhood has a central gathering place where essential services such as shopping, health care, education and recreation are clustered around an attractive, car-free common open space. This gives everyone an opportunity to participate in all aspects of community life. Each neighbourhood has a full range of housing types and prices allowing people to live in their communities throughout their lives. This is true also for former suburban industrial-business parks, which have been re-developed with homes and other activities mixed in with workplace.



Hamilton-Wentworth is a warm and friendly place where people actively care for their community and are concerned for one another's welfare. The streets and public areas are safe at all times. Neighbourhoods have strong local identity. Residents actively participate in community life, to a large extent, controlling the pace and design of change. The decision-making process is easily understood and open to involvement by all. Politicians and public employees take the actions needed to achieve long-term community plans.



# Sustainable Region

## GETTING AROUND

An integrated public transportation system serves the entire region in an affordable, efficient, and accessible way. Clean forms of transportation predominate.

Public streets are designed and managed (including signals and regulations) to accommodate comfortably and safely, public transit, cyclists, pedestrians and automobiles as complementary forms of transportation. The integrated transportation system gives access to all basic needs. Public transit provides all citizens with easy access to activity areas, as well as to neighbouring communities and cities via convenient and frequent inter-urban transit. Most people can walk or cycle to work because jobs and housing are near one another. Major roads have minimal noise and pollution impacts on adjacent lands, and follow routes that cause little damage to the natural and human environment.

## QUALITY OF LIFE

In the year 2020, disease and disability are being progressively reduced. All of us achieve our full potential in a safe, non-violent environment. Everyone has adequate food, shelter, income and education. Everyone has a valued role to play in family, work and community. We have access to affordable and appropriate health care, regardless of geography, income, age, gender, or cultural background. Cultural institutions and activities are recognized and supported for their contribution to community life and economic health. Cultural institutions reflect our historical development and the contributions of our diverse population.

All of us take responsibility for our health, citizenship and public decision-making. As citizens, we are active participants in cooperative, region-wide community planning. Government is coordinated, efficient and easily accessible. A well-educated, literate

population is seen as a total community responsibility. Schools are leaders in effective learning and excellence in teaching. Lifelong learning is valued and supported across the community. All citizens are knowledgeable about sustainable development and quality of life issues. Our cultural institutions and groups advocate values consistent with environmental sustainability. Educational institutions instill sustainable values and citizens pursue sustainable lifestyles.

## LIVELIHOOD

A stable, flexible economy is achieved through the effective use and development of all community resources. This means not only land, capital equipment and community services, but the continued improvement and retention of a skilled workforce. Economic strategies, set through a cooperative process involving citizens, industry, government, education and labour, include effective job-training and re-training programmes. Young adults find employment opportunities in the region.



The region is home to numerous firms that carry out research and development and manufacture in sustainable economic sectors. Successful companies are characterized by high production quality and worker productivity, and innovative employment practices such as on-site daycare, jobsharing, work-at-home arrangements, and cooperative, community-based job creation. These companies provide a solid tax base for the region. Business and industry actively participate with government in advanced skill training programmes, including programmes designed to enhance employment accessibility for the physically and mentally challenged. Firms are at the forefront of energy efficiency and pollution control and prevention.



Hamilton-Wentworth is now home to a whole new economic sector based on the natural resources of the region. Burlington Bay is a base for nature-oriented tourism and recreation, that includes the Niagara Escarpment, waterfalls and Carolinian forest areas of the region. The harbour is a vibrant centerpiece for the community and is accessible, clean, and humming with diversity. Recreation co-exists with use of the harbour as an essential marine transportation link.

Agriculture, now considered a strategic community resource, is a vibrant part of the regional economy, which makes a valued contribution to our overall quality of life. The farming community is economically viable and environmentally sensitive, capable of supporting family farming operations that are competitive internationally. The farming community is in harmony with neighbouring urban areas using clean, organic urban waste to enhance the soil. Prime agricultural land is recognized by all citizens as irreplaceable and strong policies and programs ensure its continued use for food production. Moreover, agricultural soils are continuously improved through the widespread use of sustainable farm practices. Vacation farming ensures an enhanced profile for local agriculture.

## IS THIS YOUR VISION?

As you read Vision 2020 think about what type of community you would like Hamilton-Wentworth to be thirty years from now. Does Vision 2020 match your vision of the future? What is missing? What should be changed or improved? We invite you to make your comments and views known to the Task Force.



D.C.B.  
APR 29 1992

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 April 29  
P5-4-3-9

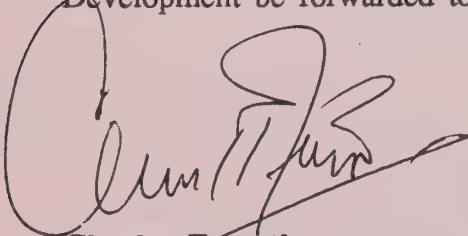
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charles Forsyth  
Chairperson, Central Area Plan Implementation Committee

**SUBJECT:** CAPIC's Response to the Draft Vision Statement of the  
Regional Chairman's Task Force on Sustainable  
Development.

**RECOMMENDATION:**

That the comments of the members of the Central Area Plan Implementation Committee, respecting the Draft Vision Statement of the Regional Chairman's Task Force on Sustainable Development be forwarded to the Task Force.



Charles Forsyth  
Chairperson

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

On December 31, 1991, the Regional Chairman's Task Force on Sustainable Development released its draft vision statement entitled "Vision 2020". The draft vision statement was formulated by the members of the Task Force and several citizens who sat as members of sub-committees dealing with a variety of issues. The draft vision statement has been



circulated to the community for response. Submissions are to be made by the end of March.

### **COMMENTS:**

In principle, CAPIC supports the draft vision statement as a broad philosophical statement. However, in times of scarce resources and with so many different issues facing our community, priorities must be established in terms of the vision. Further refinement should be established through the setting of goals and objectives to achieve these goals. The members of CAPIC look forward to the next phase of the Task Force's work in which priorities, goals and objectives will be established.

The members of CAPIC would, however, like to express the following concerns regarding the draft vision statement.

#### 1. The Regional Centre

The draft vision statement does not make any reference nor contain any "visions" regarding the Regional Centre. As defined in Policy 2.2.1 of the Regional Official Plan, the Regional Centre is central Hamilton. The Regional Official Plan also requires that a separate plan be established for the Central Area of Hamilton and, to accomplish this, the City has adopted Official Plan Amendment No. 66 (the Central Area Plan). The draft vision statement should reflect the importance of the Central Area of Hamilton as the Regional Centre as identified in both the Regional Official Plan and the City's Official Plan. The purpose and goals of the Central Area Plan should be reflected in the draft vision statement. These are:

- provide an attractive, lively, human-scale environment with appropriate physical, social, and human infrastructure;
- give greater priority to the Central Area in terms of planning, development, implementation, monitoring and promotion;
- maintain and increase the resident population, commercial services, social and government services, as well as the quality of life in general;
- direct new multi-purpose developments into the downtown core with special emphasis on residential components;
- minimize the impact of through-traffic on the downtown core and residential neighbourhoods;
- encourage mixed-use development;
- encourage effective urban design, architectural considerations, and energy conservation in land use and building location, content, and style through appropriate urban design guidelines;
- encourage suitable waterfront development with appropriate links to the downtown;
- enhance the Central Area's role in the Hamilton-Wentworth Region and the surrounding Market Area particularly regarding commercial development;
- direct attention to the primary objectives of growth, job creation, and a healthy economy; and,
- ensure the highest environmental standards which are fundamental to effective



urban planning.

The Plan further states:

"The Central Area is the strategic and vital element in the City and Region which can offer and help create a fresh image and opportunities for investment. As such, the Central Area should continue to receive high priority from all levels of government."

## 2. Public Participation

The Central Area Plan recognizes the importance of public participation through the following policies in the Plan:

"Public participation is the ongoing involvement of residents and business people in the decisions which affect their lifestyle, quality of life, property values, health of their business and enjoyment of their surroundings. Public participation is a recognized citizen's right and is an important part of the planning process.

The implementation of this Plan should provide for the following public participation principles and be in accordance with the provisions of Section D.9:

- i) Information will be disseminated to the public in a clear, concise manner designed to achieve a broad understanding of the policies and programs and their impacts;
- ii) the City will actively seek opinions, attitudes and advice of individuals, community and special interest groups regarding policies, programs and studies, as well as contemplated or impending changes to existing policies and programs; and,
- iii) reporting mechanisms will be in place which will provide Council with complete and unbiased results of this consultation."

The Task Force on Sustainable Development has approached its work from a broad perspective and has included as many citizens of Hamilton-Wentworth as possible in the formulation of its draft vision statement. The members of CAPIC support this initiative and recommend that the principles on which the participation of citizens was based be included in the draft vision statement.

## 3. Job Creation

The Central Area Plan establishes a specific framework for development of the Central Area. Integral to the development of the Central Area is commercial opportunities as well as growth, job creation, and a healthy economy. Much of the notion of



sustainable development is predicated on sustainable economic growth including job creation. The draft vision statement should reflect this and, particularly in times of economic recession, focus on creation of jobs for Hamilton-Wentworth's citizens.

***CONCLUSION:***

The Task Force on Sustainable Development has prepared a broad philosophical statement outlining the desired future of Hamilton-Wentworth. The members of CAPIC wish to submit this report as their comments on the draft vision statement. In addition, the members of CAPIC look forward to the further refinement of the vision statement as well as the establishment of priorities, goals, and objectives.



**CITY OF HAMILTON**

**- INFORMATION -**

**DATE:** 1992 April 30

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Approved Site Plan Control Applications.

**BACKGROUND:**

The following Site Plan Control Application has been approved by the chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-02                      -                      413 Victoria St. N.

JPS/ma







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 April 27  
ZA-91-63  
Crerar Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for rezoning - North of Rockview Avenue, West  
of the proposed extension of Crerar Drive

**RECOMMENDATION:**

That approval be given to Zoning Application 91-63, Robert Shelly Construction Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit the development of the subject lands for small lot single family dwellings for property located north of Rockview Avenue, west of the proposed extension of Crerar Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-18B for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located north of Rockview Drive, west of the proposed extension of Crerar Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for small lot single family detached dwellings.



*Thoms*  
**J. D. Thoms, M.C.I.P.**  
 Commissioner  
 Planning and Development Department

*V. J. Abraham*  
**V. J. Abraham, M.C.I.P.**  
 Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant is proposing to rezone the subject lands to "R-4" (Small Lot Single-Family Detached) District to permit the development of the subject lands for small lot single family dwellings.

- Zoning Application 91-87

On April 28, 1992, City Council endorsed a resolution to rezone the adjacent property to the east (1158 Upper Wentworth Street) for "R-4" (Small Lot Single-Family Detached) District for Block "1" (lands immediately adjacent to the subject lands), and "RT-20" (Townhouse-Maisonette) District for Block "2" fronting onto Upper Wentworth Street.

- Subdivision Application 86-26

This application was for a plan of subdivision for the subject lands and lands to the west (see APPENDIX "B" attached). Draft approval was received on April 9, 1986 at which time Block (17) was set aside for development with adjacent lands to the east (1158 Upper Wentworth Street).

***APPLICANT:***

Robert Shelley Construction Limited, owner.

***LOT SIZE AND AREA:***

The subject lands have:

- a lot width of 48.506 m (159.1 feet);



- a lot depth of 70.168 m (230.2 feet); and,
- a lot area of 3420.8 m<sup>2</sup> (36,822.4 sq.ft.).

### ***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant land	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Red Hill Creek Expressway	"AA" (Agricultural) District
to the south	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District
to the west	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District
to the east	vacant	"AA" (Agricultural) District

### ***OFFICIAL PLAN:***

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.



- A.2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:
- i) Reduced road lengths;
  - ii) Building orientation;
  - iii) Retention of existing trees and other vegetation;
  - iv) Clustering of units; and,
  - v) Such other matters as Council deems necessary; and which are in keeping with the provisions of Subsection C.8, Energy.
- A.2.1.11 Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.
- C.7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterial or Inter-Regional Highways and Railway lines.
- C.7.9 Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterial, Inter-Regional Highways or Railway lines.
- C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA."

The proposal complies with the **RESIDENTIAL** designation. However, noise levels are expected to be between 57 and 63 dBA. As such, in accordance with policies of C.7.9 and C.7.10, noise attenuation measures should be required. The Freeway office was consulted in this regard.

The proposal will comply with the intent of the Official Plan, provided the provisions of the noise attenuation policies in Subsection C.7 are met.



### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Single and Double" in the approved Crerar Neighbourhood Plan. The proposal complies with the intent of the Plan.

### ***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority advised they have no objection.
- The Traffic Department advises they find the application satisfactory.
- The Freeway Project Office advises that:

"Freeway Project staff have reviewed the above-referenced zoning application and as a condition of zoning approval, we request the following:

That a 10.668 m (35') berm easement be established on the northerly side of the property in favour of the Hamilton-Wentworth Region. The berm easement is required at such time the freeway is constructed to provide noise mitigation measures.

All lot grading and drainage should be graded away from the abutting lands to the north."

- The Building Department advises that:

"The land must be developed under a Plan of Subdivision as per Section 9A(2)(c)."

- The Hamilton-Wentworth Roads Department advises that:

"There are public watermains and separate storm and sanitary sewers available on Crerar Drive, south of the subject lands. These facilities are adequate for the proposed land use. In order to extend Crerar Drive northerly, these lands must be developed in conjunction with the lands at No. 1158 Upper Wentworth Street to establish the required road allowance and also to provide access to lands at 1158 Upper Wentworth Street from Crerar Drive extension since direct access to Upper Wentworth Street will not be permitted due to the interchange construction of the East-West Freeway and Upper Wentworth Street. The cul-de-sac configuration must be designed in order that access for the subject lands and lands fronting 1158 Upper Wentworth Street can be provided from the internal cul-de-sac. Therefore, we recommend that as a condition of approval that the subject lands be developed through a satisfactory plan of subdivision.

Any works which may occur within the Crerar Drive extension must conform to the City's Streets By-law.



Comments on access design and configuration to be determined at such time as a draft plan of subdivision is submitted for our review and approval.

Block 45 which is a 0.3 m reserve on Crerar Drive as shown on Plan 62M-495 must also be lifted at the subdivision stage."

### ***COMMENTS:***

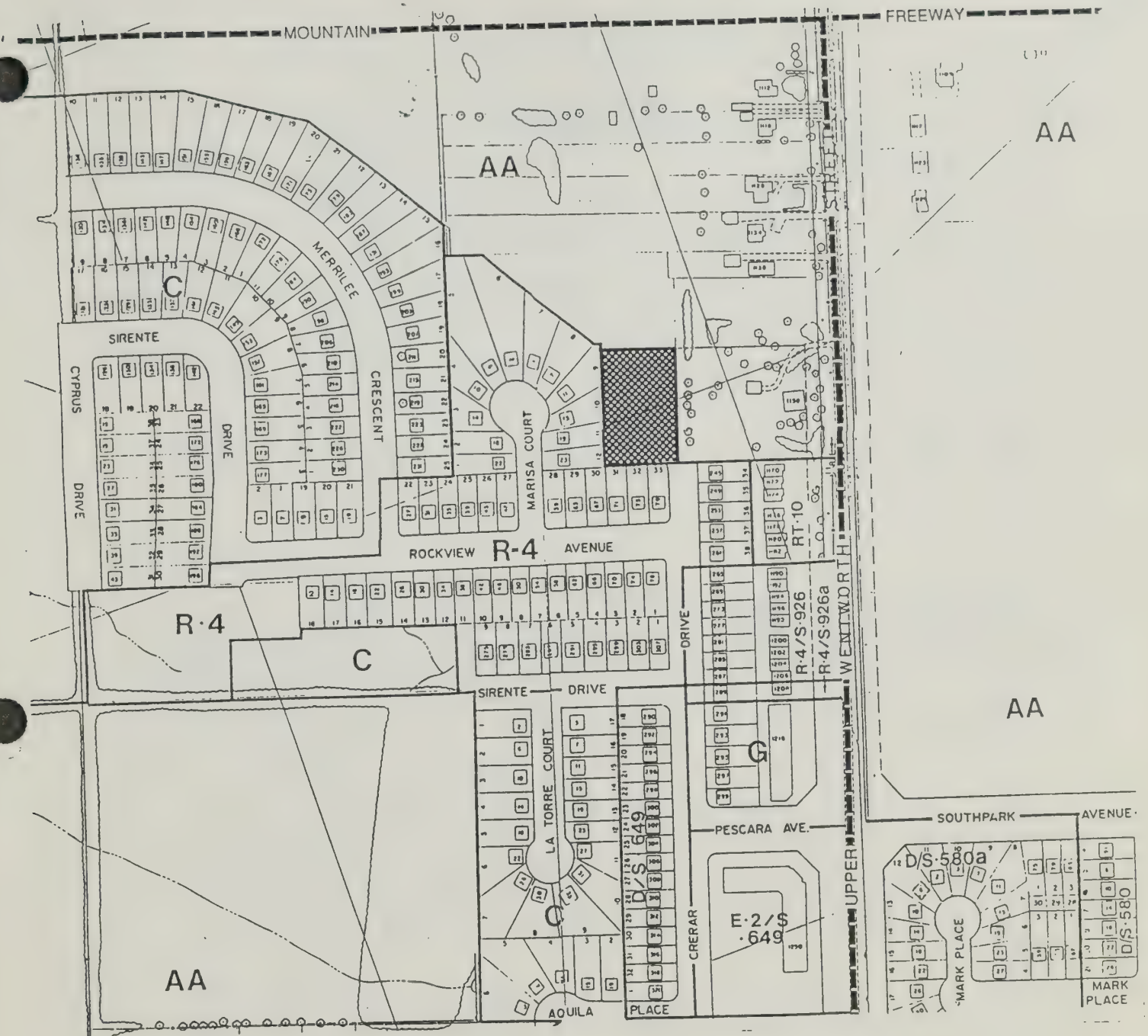
1. The proposal complies with the intent of the Official Plan provided the provisions regarding noise attenuation in the Official Plan are met.
2. The proposal complies with the approved Crerar Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
  - it complies with the intent of the Official Plan and the approved Crerar Neighbourhood Plan;
  - the proposed development for small lot single-family dwellings complements and is consistent with existing development to the west and south, as well as the recently approved development of adjacent land to the east; and,
  - it implements the draft approved plan of subdivision (SA-85-26) for the subject lands.
4. The comments from the Freeway Project Office regarding the 10.668 m berm easement and lot grading and drainage, as well as the comments from the Roads Department regarding the cul-de-sac are being dealt as conditions of approval of the draft plan of subdivision for the subject lands.

### ***CONCLUSION***

Based on the foregoing, the application can be supported.

CF/ma

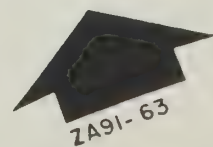




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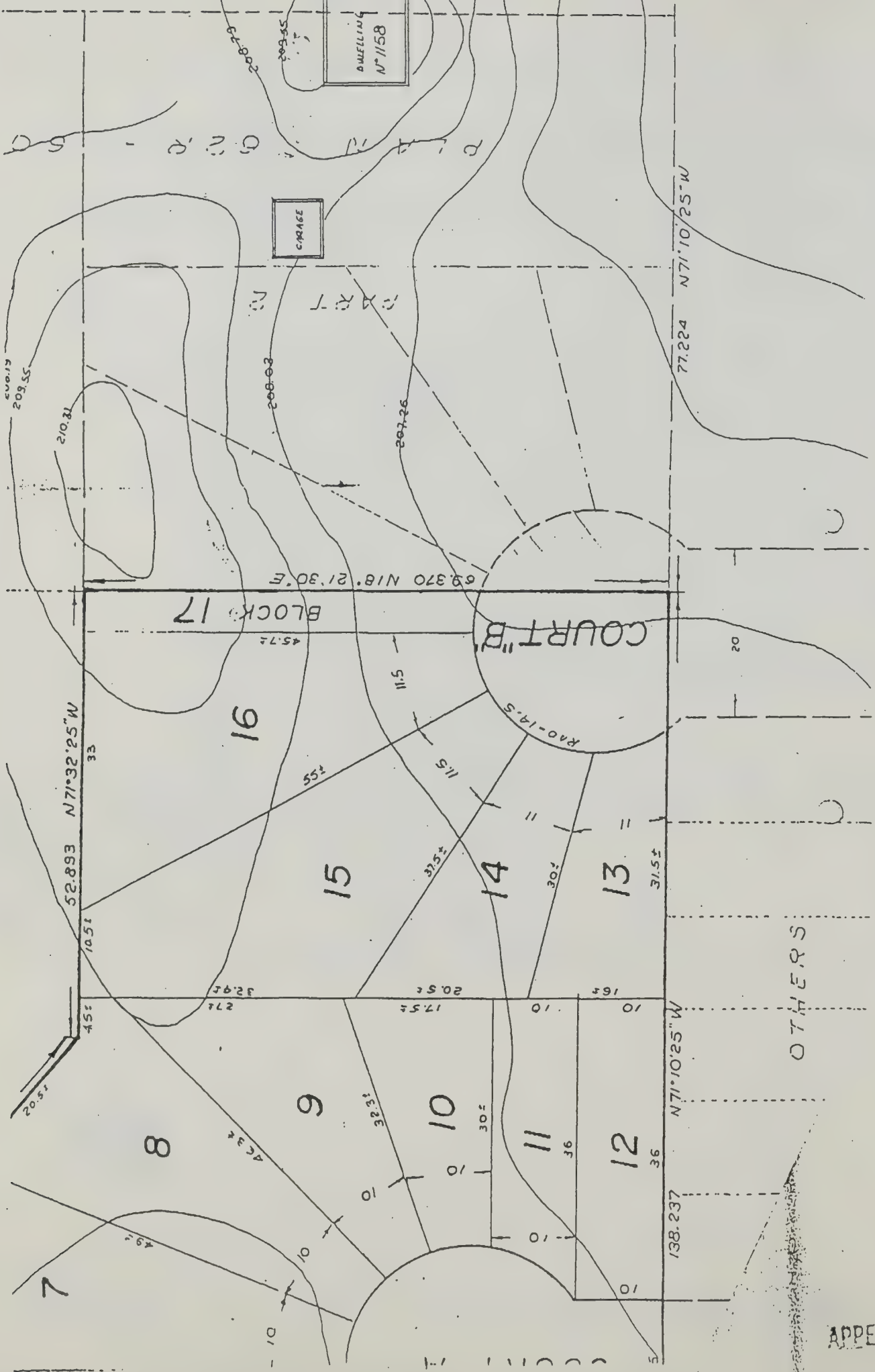


Site of the Application



APPENDIX A







**CITY OF HAMILTON****- RECOMMENDATION -**

**DATE:** April 28, 1992  
ZA-92-01  
Mewburn East Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a further modification of zoning - No. 1492 Upper James Street.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 92-01, 603815 Ontario Inc. (Dave Armstrong), owner, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the temporary use of lands and the existing building for the sale of new and used cars for a further three year period, for property located at No. 1492 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-law No. 90- 227 applicable to the subject lands, be further modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands and the existing building(s) only, for the sale of new and used automobiles for a further maximum period of three years;
- ii) That notwithstanding Section 9.(1) of By-law No. 6593, one pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of By-law No. 6593;
- iii) That notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0 m wide landscaped planting strip shall be provided and maintained only along the northerly lot line;
- iv) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939b, and that the subject lands on Zoning District Map W-9D be notated S-939b;



- vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the by-law is to provide for a further modification to the "C" (Urban Protected Residential, etc.) District provisions applicable to property located at No. 1492 Upper James Street, as shown on the attached key map.

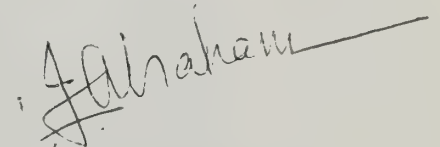
The effect of the by-law is to permit the temporary use of the lands and existing building only, for the sale of new and used automobiles for a further three year period.

In addition, the by-law provides for:

- A minimum 3.0 m wide landscaped planting strip along the northerly lot line only, whereas a 3.0 m wide planting strip is required along the northerly, westerly and southerly lot lines.
- To permit a pylon sign for the purpose of business identification in conjunction with the temporary new and used auto sales lot.
- To delete the requirement of a 1.2 m to 2.0 m high visual barrier along the northerly, westerly, and southerly lot lines.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

It is the applicant's intention to further modify the established "C" (Urban Protected Residential, etc.) District to permit the temporary sale of new and used cars for a further three year period in accordance with Section 38 of The Planning Act.



- By-law 86-201 and By-law 90-227

The previous temporary by-law, By-law 86-201, and the current temporary by-law, By-law 90-227, were passed by City Council on June 25, 1986, and July 30, 1990, respectively.

These by-laws modified the established "C" (Urban Protected Residential, etc.) District regulations to permit the buildings or structures existing on the date of passing of the by-law and the land to be used temporarily for the sale of new and used automobiles for a period not exceeding three years from the date of passage of the by-law. In this regard, the current temporary use by-law (90-227) will lapse on July 31, 1993.

- Site Plan Control Application DA-89-111

Plans were submitted and approved on May 23, 1990, by the Planning and Development Committee, for a temporary new and used auto sales facility at 1492 Upper James Street, which incorporated the terms and conditions of the above-mentioned Zoning By-laws.

The applicant does not propose to alter the above-mentioned approved site plan.

***APPLICANT:***

603815 Ontario Inc. (Dave Armstrong), owner.

***LOT SIZE AND AREA:***

- 68.58 m (225.0 ft.) of lot frontage on Upper James Street;
- 0.18 m (131.83 ft.) of lot depth; and,
- 2,755.57 m<sup>2</sup> (29,661.75 sq. ft.) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	New and used car sales	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Single-family dwellings and a non-conforming	"C" (Urban Protected Residential, etc.)



To the south	Single-family dwellings, a two family dwelling, a future designed shopping centre	"C" (Urban Protected Residential, etc.) District, and "G-1-H" (Neighbourhood Shopping Centre - Holding) District,
To the east	Single-family dwellings, restaurant, and a warehouse	"G"(Neighbourhood Shopping Centre, etc.) District, modified
To the west	Vacant	"AA" (Agricultural) District

#### ***OFFICIAL PLAN:***

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan, and located within SPECIAL POLICY AREA 31c on Schedule "B" - Special Policy Areas, the following policies, amongst others, would apply:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- D.3.8          In accordance with The Planning Act, Temporary Use By-laws may be used to permit the lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said by-law. The provisions of The Planning Act regarding timing and extensions to such by-laws will apply."

The proposal does not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

Designated for "NEIGHBOURHOOD COMMERCIAL" use on the approved Mewburn East Neighbourhood Plan. The temporary use of the site would not conflict with the intent of the Plan.

#### ***COMMENTS RECEIVED***

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.



- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation the applicant should be advised of a future road allowance widening to establish the property line 18.29m from the centreline of the original Upper James Street road allowance.

Since this application is for temporary use, the widenings should be assured when the land develops to its designated commercial use. As the applicant may be aware, the subject lands are designated for neighbourhood commercial use and neighbourhood street purposes on the approved Mewburn Neighbourhood Plan.

According to our records, the mid block collector street on the east side of Upper James Street will be  $\pm 46.377\text{m}$  north of station 14 + 10.00 as shown on miscellaneous Plan No. 355 and these same dimensions are required on the west side of Upper James Street.

According to our preliminary calculations it would appear that the northerly  $\pm 18.6\text{m}$  of the subject lands plus 12.19m daylight triangles will be required for neighbourhood street purposes. However these dimensions must be determined and verified through a survey plan. Therefore we recommend that no additional structures be permitted on this property.

As conditions of future development approval we will require a modified subdivision agreement to have the streets dedicated to the City, widenings on Upper James dedicated to the Region and recover all outstanding servicing costs.

In the absence of any details being shown, we advise that any works which may occur within the Upper James Street road allowance must conform to the Region of Hamilton-Wentworth Road Use By-Law. Any change in the access or any new access to these lands requires an Approach Approval from the City of Hamilton Traffic Department."

## **COMMENTS**

1. The proposal complies with the intent of the Official Plan.
2. The proposal to permit the use on a temporary basis for a further three year period would not conflict with the intent of the approved Mewburn East Neighbourhood Plan.
3. Section D.3.8 of the Official Plan allows Council to permit the use of lands on a temporary basis for a maximum of three years. The proposal would therefore implement Section 38 of the Planning Act R.S.O. 1983.



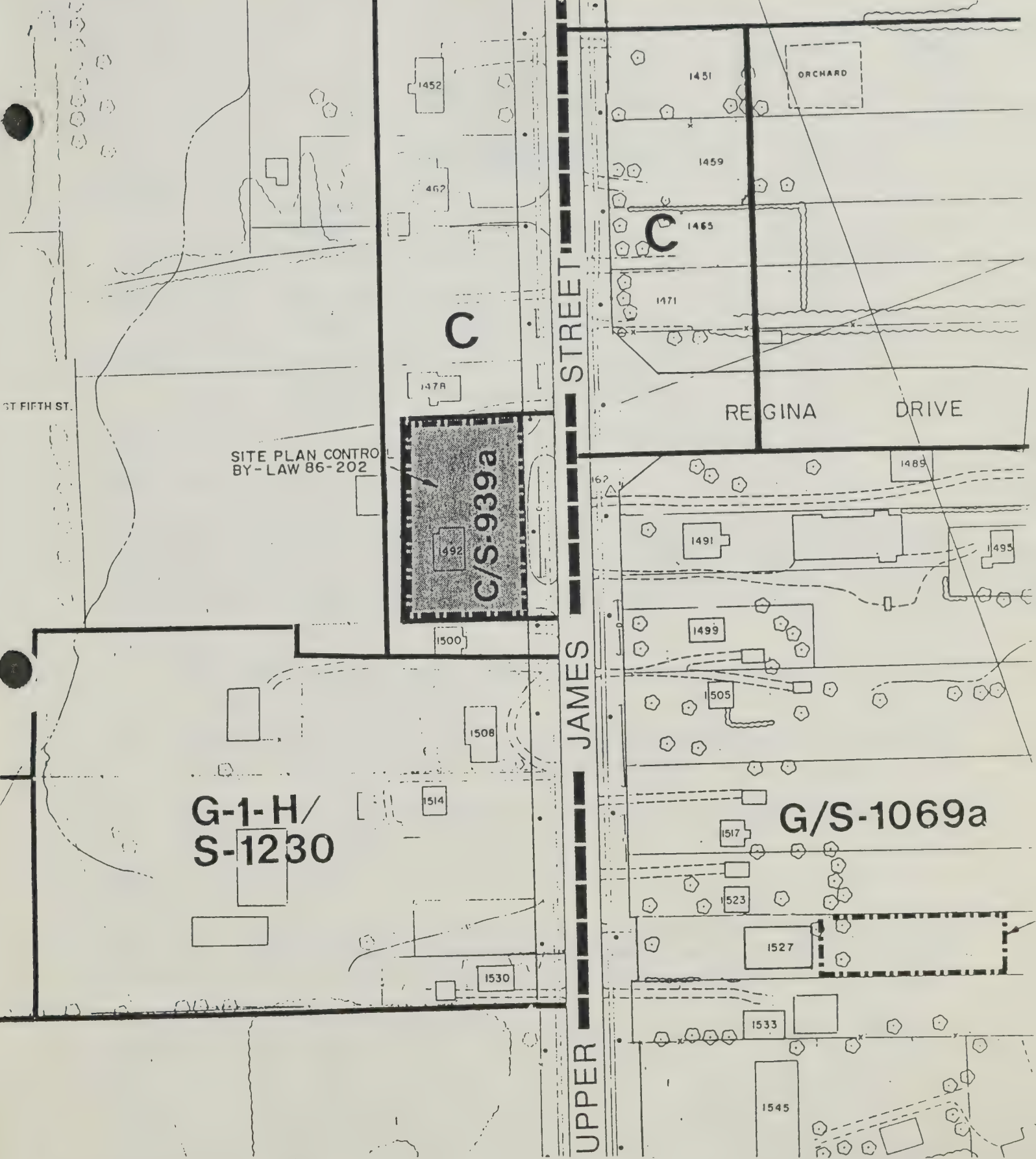
4. On the basis of the foregoing, it would be appropriate to permit the further extension of the temporary use of the property for the sale of new and used automobiles, utilizing the existing building only, for the following reasons:
  - a) The property has been used for the repair of motor vehicles and the sale of new and used automobiles since 1985.
  - b) Lands to the north, south and east are designated for "COMMERCIAL" purposes in the Official Plan, and are designated for "NEIGHBOURHOOD COMMERCIAL" in the approved Mewburn East Neighbourhood Plan.
  - c) Use of the lands, and the existing building only, on a temporary basis would not prejudice the intent of the Neighbourhood Plan as the use could be terminated at the end of the three-year period set out in the amending by-law.
5. The previous amending by-laws (By-law 86-201 and 90-227) required a landscaped planting strip having a minimum width of 3.0 m to be provided and maintained only along the northerly lot line, permit a pylon sign for the propose of business identification, and provided an exemption from the required 1.2 m high to 2.0 high visual barrier along the northerly, southerly and westerly lot lines. These special provisions should still apply. However, the requirements should be reinstated when an appropriate commercial zoning of the lands is approved in the future.
6. Since the applicant does not propose to alter the previously approved site plan (DA-89-111), which incorporates the above-mentioned special provisions, it is not necessary to amend the existing development agreement presently being enforced on the property.

## **CONCLUSION**

On the basis of the foregoing, the application can be supported.

JL\ma  
ZA9201

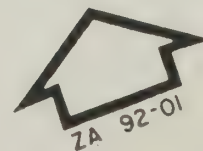




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Site of the Application



APPENDIX A







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 April 28  
ZA-92-05  
Kennedy East Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - 50 Christopher Drive

**RECOMMENDATION:**


The approval be given to Zoning Application 92-05, James and Felicia Capuccinello Iraci, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of a single-family dwelling lot, for property located at No. 50 Christopher Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) The subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 50 Christopher Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide for the creation of a new single-family building lot fronting onto Christie Street.

  
**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V. J. Abraham, M.C.I.P.**  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The purpose of the proposed rezoning is to create a building lot for a single family dwelling. If the application is approved, the applicant intends to make an application to sever the property.

- Zoning Application 91-84

City Council, on February 25, 1992, adopted a recommendation of the Planning and Development Committee to approve a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to permit the creation of a single-family dwelling lot at 66 Alderson Drive (one block north of the subject lands). By-law No. 92-082 was passed by Council on March 10, 1992.

- Neighbourhood Plan Review

On April 18, 1990, The Planning and Development Committee considered a Neighbourhood Plan Review which examined the potential for development within this portion of the Kennedy East Neighbourhood. At that time, it was identified that the only opportunity to provide for additional lots was along Christie Street. In this regard, approximately 18 additional single-family residential building lots could be created (see APPENDIX "B"). The subject lands were identified as having potential for a new single-family lot. The Planning and Development Committee and City Council endorsed the concept of allowing for the creation of additional lots fronting onto Christie Street, and have subsequently approved two similar rezoning applications ( ZA-89-125 and ZA-91-32) located to the rear of Nos. 63 and 67 Malton Drive and No. 82 Alderson Drive, respectively.

**APPLICANT:**

James and Felicia Capuccinello Iraci, owners.

**LOT SIZE AND AREA:**

The subject lands have:

- a lot frontage of 30.17 m (99 feet) on Christopher Drive,



- a lot frontage of 51.82 m (170 feet) on Christie Street; and,
- a lot area of 1563.51 m<sup>2</sup> (16,830 square feet).

### ***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the south	single family dwellings	"AA" (Agricultural) District
to the east	single family dwellings	"AA" (Agricultural) District
to the west	single family dwellings	"AA" (Agricultural District) District

### ***OFFICIAL PLAN:***

The subject lands are designated *Residential* on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."



In addition, the policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1        In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i)        Provision and maintenance of adequate off-street parking;
  - viii)    Other similar actions or matters as Council may deem appropriate.
- C.7.2        Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3        Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii)    Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Single and Double Residential" on the approved Kennedy East Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

#### ***COMMENTS RECEIVED:***

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Niagara Peninsula Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Roads Department advises that:  
  
"There are public watermains and separate storm and sanitary sewers available to service these lands.



Any works which may occur within the adjacent road allowances must conform to the City of Hamilton Streets By-Laws.

To ensure that the subject lands are compatible with the elevation of Christie Street, we recommend that the elevation of the access at the streetline be approximately the same as the existing corresponding perpendicular centreline elevation of Christie Street."

**COMMENTS:**

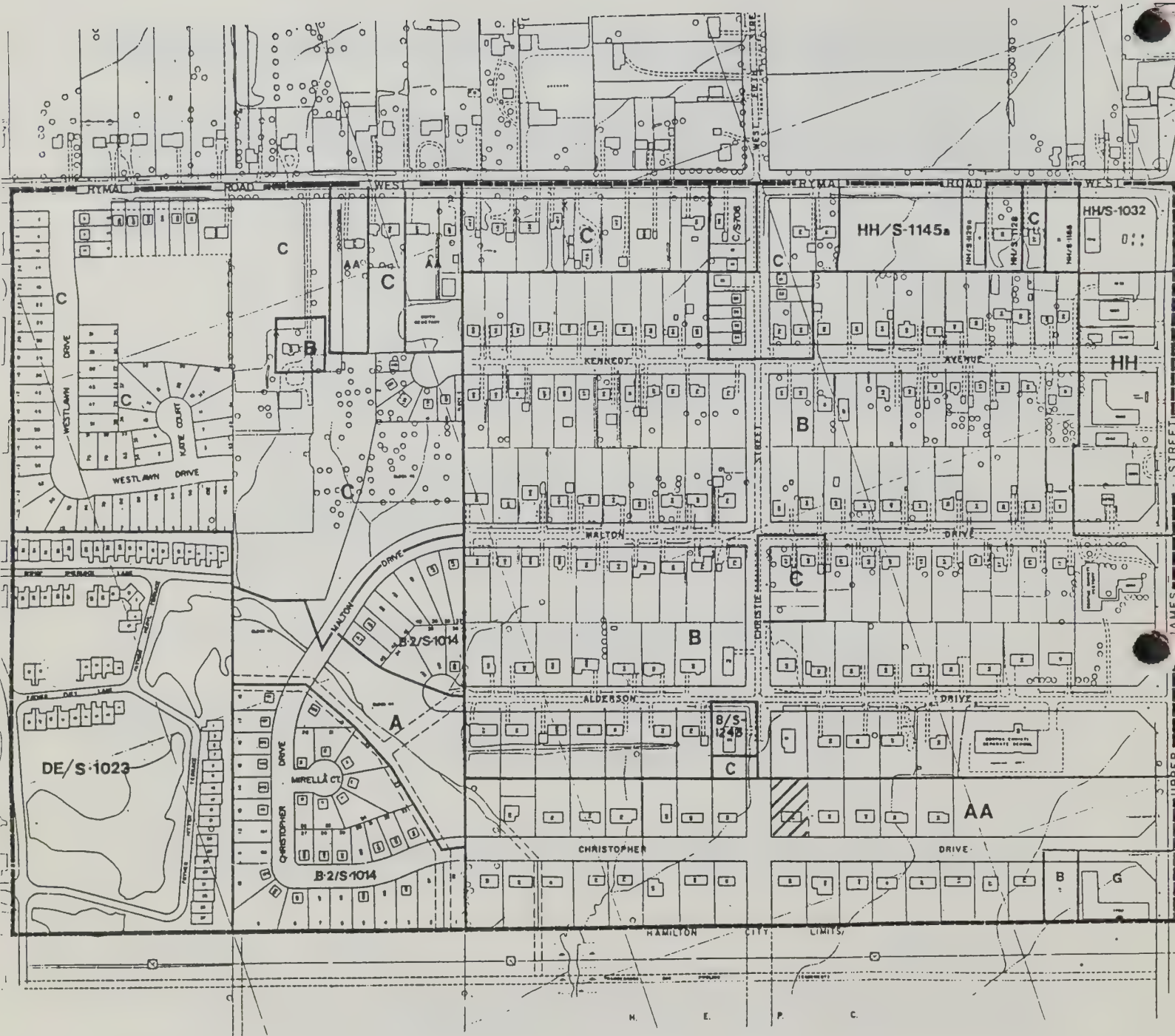
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - it would be consistent with Planning and Development Committee and Council adopted policy to permit additional single-family development fronting onto Christie Street;
  - it represents an "infill" situation and would be compatible with existing and future single-family development in the surrounding area;
  - the Planning and Development Committee and City Council have approved three similar re-zoning applications (ZA-89-125, ZA-91-32 and ZA-91-84) to permit the creation of new single-family dwelling lots fronting onto Christie Street; and,
  - the proposed lots (retained and conveyed) satisfy the regulations of the requested "C" (Urban Protected Residential, etc.) District.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

CF/ma





# Legend

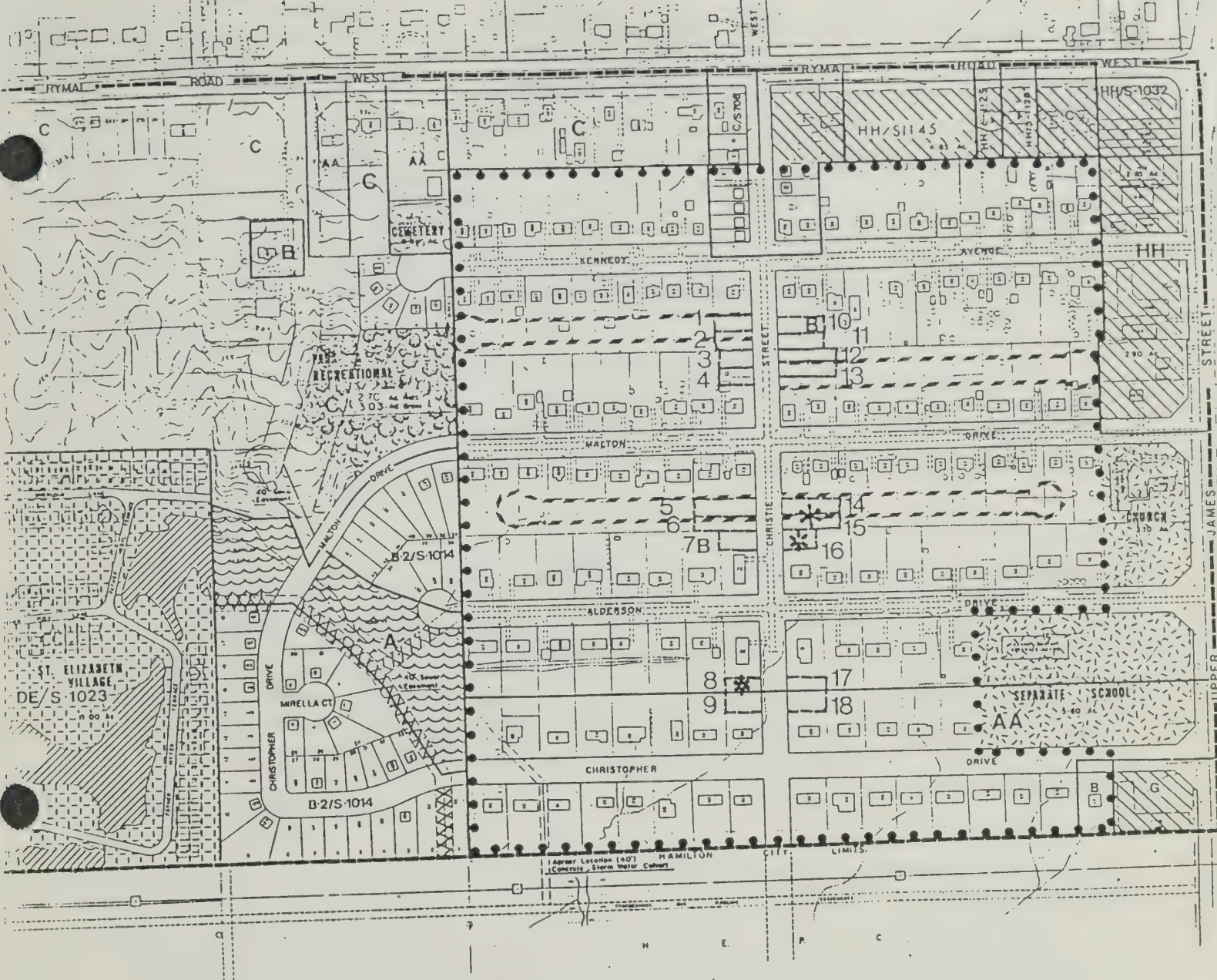


Site of the Application



ZA-92-05





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

#### LEGEND

ST. ELIZABETH VILLAGE POND AREA 14.70 Acres (existing)

POSSIBLE ROADS

POTENTIAL LOTS (18)

STUDY AREA

ZONING APPLICATIONS

EXISTING POPULATION (1988) 547

#### LAND USE

##### RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments
- st. elizabeth retirement village
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- FLOOD PRONE LANDS

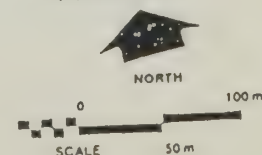
- Neighbourhood Boundary
- Zoning Boundary

Approvals  
Planning Committee MAR 11, 1987 Council MAR 31, 1987  
Latest Revision Date JANUARY 10, 1990

CITY OF HAMILTON  
PLANNING DEPARTMENT

KENNEDY EAST

APPROVED PLAN









**CITY OF HAMILTON**  
**- RECOMMENDATION -**

5.

**DATE:** April 28, 1992  
ZA-92-04  
Falkirk East Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for removal of the 'H'(Holding) Symbol-No. 480 Rymal Road West.

**RECOMMENDATION:**

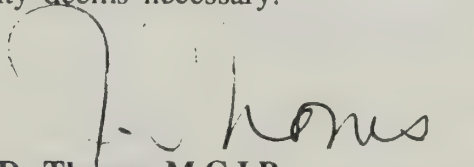
That approval be given to Zoning Application 92-04, 800064 Ontario Inc. (A. DiSilvestro), owner, requesting the removal of the "H" (Holding) symbol provision under Section 34(1) of the Planning Act, to permit the development of the subject lands for single-family dwellings (Blocks "1", "2", & "3"), small lot single-family dwellings (Block "4") and townhouse dwellings (Block "5"), and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 90-311, and Zoning District Map E-27D for presentation to City Council for the property located at No. 480 Rymal Road West, shown as Blocks "1", "2", "3", "4" & "5" on the attached map marked as Appendix "A".

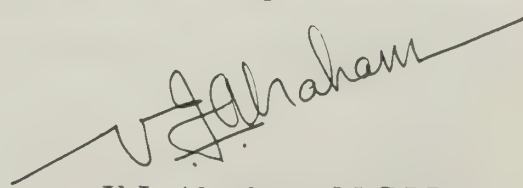
**EXPLANATORY NOTE:**

The purpose of this By-law is to remove the 'H'(Holding) symbol, for the property located at No. 480 Rymal Road West, shown as Blocks "1", "2", "3", "4", & "5" on the attached map. The holding provision prohibits the development of the lands until the installation of all municipal sewers as the City deems necessary. In this regard, the Roads Department has advised external services are available on Garth Street and Rymal Road and all other servicing matters will be addressed through Claudette Gardens plan of subdivision.

The effect of the By-law is to permit the development of the subject lands for single-family dwellings (Blocks "1", "2" & "3"), small lot single-family dwellings (Block "4"), and for townhouse dwellings (Block "5"), in accordance with the "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single-Family Detached) District and "RT-20" (Townhouse-Maisonette) District provisions, respectively, as set out under By-law No. 90-311.

The 'H' (Holding) symbol will remain on the lands shown as Block "6", on the attached map marked Appendix 'A', which are to be developed in accordance with "C" (Urban Protected Residential, etc.) District regulations, subject to the installation of all municipal sewers as the City deems necessary.

  
J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V.J. Abraham, M.C.I.P.  
Director of Local Planning



## ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

## ***BACKGROUND:***

- By-law 90-311

On November 13, 1990, City Council passed By-law 90-311 which rezoned the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, and from "B-2" (Suburban Residential) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, small lot single-family detached dwellings, and townhouse dwellings (see Appendix "B"). A 'H' (Holding) symbol was placed on the lands pending the availability of full municipal services.

The applicant wishes to proceed with the development but is required to remove the holding provision before a building permit is released.

## ***COMMENTS RECEIVED:***

The Roads Department has reviewed the application and has forwarded the following comment:

" All servicing matters etc. will be addressed through Claudette Gardens Plan of subdivision. External services are available on Garth Street and Rymal Road."

The Building Department has "no comment" with respect to the removal of the 'H'(Holding) provision.

## ***COMMENTS:***

Since municipal services are available on Garth and Rymal Road, and all other servicing matters will be addressed through the Claudette Gardens Plan of subdivision, which was draft approved November 12, 1990, it is appropriate to remove the 'H'(Holding) symbol from the above noted property.

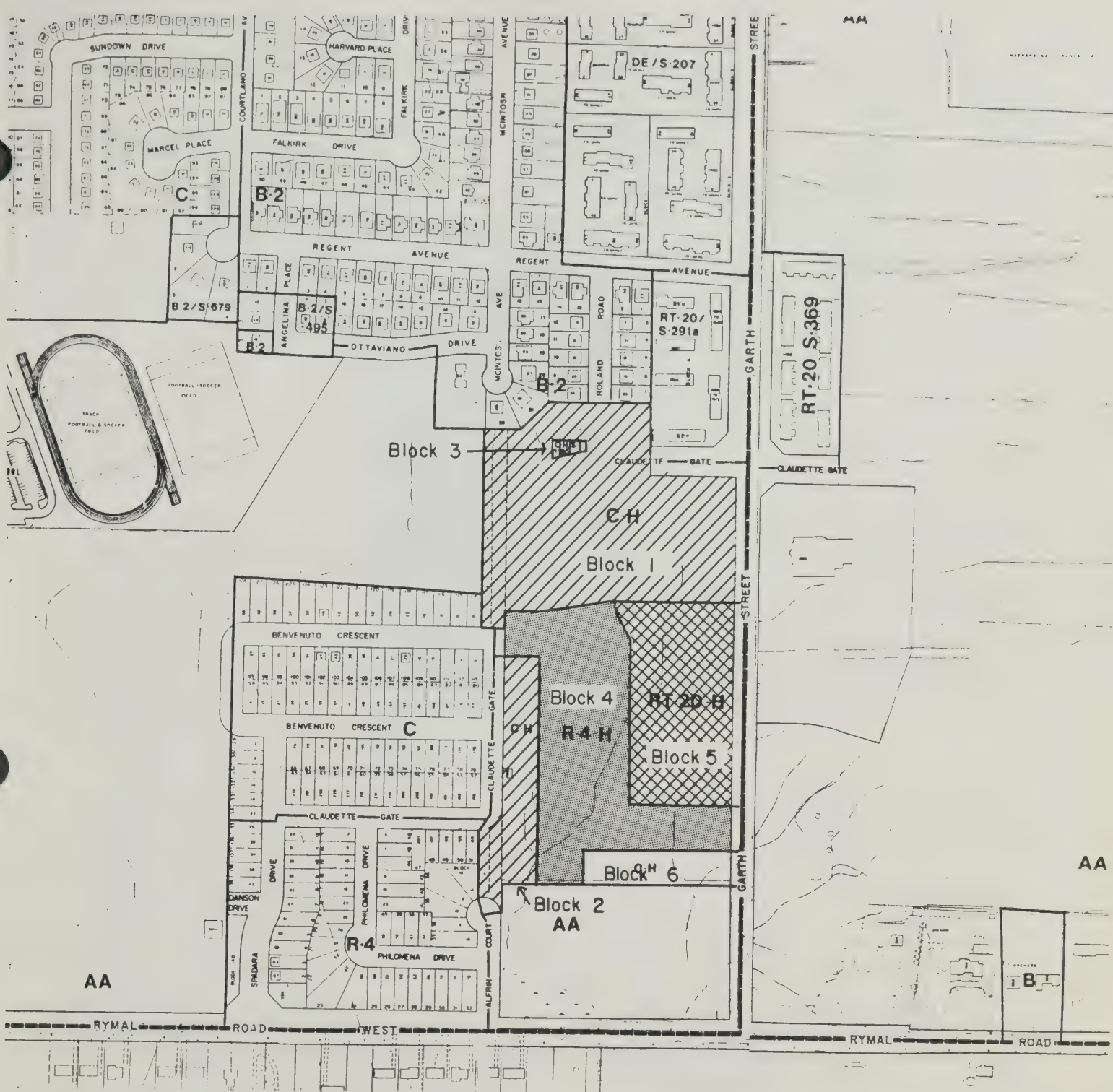
Furthermore, upon the availability of municipal sewers the applicant/owner will be required to submit another Zoning Application in order to remove the holding restriction from Block "6" (see APPENDIX "A").

## ***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

JL/ma  
WP9204





### Legend

Removal of the 'H' Holding Provision from the:

BLOCKS  
1 & 2



"C" (Urban Protected Residential, etc.) District.

BLOCK 3



"C" (Urban Protected Residential, etc.) District, modified.

BLOCK 4



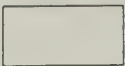
"R-4" (Small Lot Single-Family Residential) District.

BLOCK 5



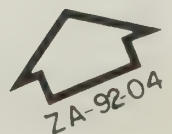
"RT-20" (Townhouse-Maisonette) District.

BLOCK 6



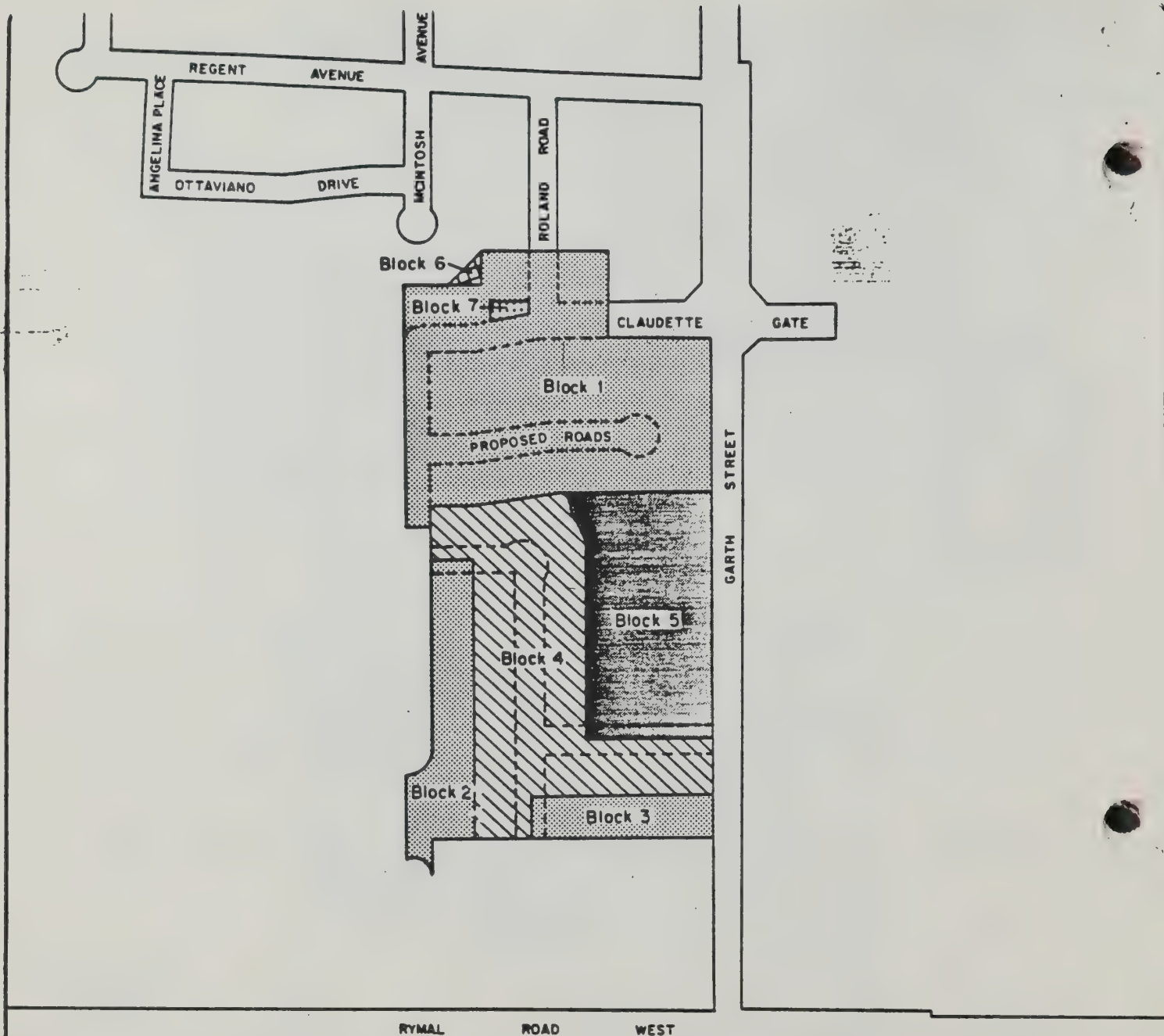
'H' Holding Provision to Remain For:

"C" - 'H' (Urban Protected Residential, etc. - Holding) District.



APPENDIX A





NOTE: All dimensions are in metres

City of Hamilton

## Key Map

to By-Law No. 90-311...

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend

Blocks 1, 2 & 3	Change in zoning from "AA" (Agricultural) District to "C"-H" (Urban Protected Residential, etc.-Holding) District.
Block 4	Change in zoning from "AA" (Agricultural) District to "R-4"-H" (Small Lot Single-Family Detached-Holding) District.
Block 5	Change in zoning from "AA" (Agricultural) District to "RT-20"-H" (Townhouse-Maisonette-Holding) District.
Block 6	Change in zoning from "B-2" (Suburban Residential) District to "C"-H" (Urban Protected Residential, etc.-Holding) District.
Block 7	Change in zoning from "AA" (Agricultural) District to "C"-H" (Urban Protected Residential, etc.-Holding) District, modified.

	Scale NOT TO SCALE	Reference File ZA 90-09
	Date NOVEMBER, 1990	Drawn By L.B.



1992 April 27

6.

Ms. Tina Agnello, Secretary  
Planning and Development Committee

APR 29 1992

Dear Chairman and Members:

As Chair of the PRIDE H.INT. Citizens' Advisory Committee for the Central/Beasley neighbourhoods, I have been directed by the Committee to voice our concern that VIA Rail will no longer be stopping in Hamilton. Not only will this result in a great disservice to the residents of the City of Hamilton, but will further erode all our efforts to sustain and enhance positive development in our respective neighbourhoods. We understand that once the new Aldershot Station is completed in May of this year that there will be no stop at the CN Station on James Street North. The train will overshoot and stop only at Aldershot and then go on to Grimsby.

Transportation is one of the key elements of economic growth and vitality of a community. If the VIA Rail service no longer stops in Hamilton, this reduces Hamilton's rail interface with all the other communities in "The Golden Horseshoe" with implications as far as Buffalo, New York. It has an even greater negative impact upon our neighbourhoods that are immediately adjacent to the CN Station. The lack of service will further undermine all our efforts as a PRIDE H.INT. Committee and be detrimental to the City as a whole.

Therefore the Central/Beasley PRIDE H.INT. recommends that the Planning and Development Committee recommend to City Council that a letter be sent to the Honourable Jean Corbeil, Department of Transport, encouraging/requesting that they maintain at least the existing level of service in Hamilton.

Yours truly,

Jane Rigby/1/1

Jane Rigby  
Chair, PRIDE H.INT. Committee







CAN CN HBI A05  
C5114  
1992



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

J.J. SCHATZ  
CITY CLERK

**THE CORPORATION OF THE CITY OF HAMILTON**

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700  
FAX: 546-2095

1992 May 14

URBAN MUNICIPAL  
MAY 15 1992  
GOVERNMENT DOCUMENTS

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1992 May 20  
9:30 o'clock a.m.  
Room 233, City Hall

Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA:**

1. **DELEGATION - 9:30 O'CLOCK A.M.- 820 RYMAL ROAD WEST,  
CONDITION OF APPROVAL - ZA-89-94**
  - (a) Commissioner of Planning and Development report (previously tabled)
  - (b) City Solicitor - Confidential Information Report (previously tabled)
2. **CONSENT AGENDA**
3. **ACTING DIRECTOR OF PUBLIC WORKS**
  - 3.1 Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (PRIDE H.INT.) - Addendum to the Community Improvement Plan







- 3.2 Hiring of Consultants - Central/Beasley PRIDE H.INT. Programme (Report to be distributed at meeting)

**9:45 O'CLOCK A.M.**

**4. BUILDING COMMISSIONER**

4.1 Cash in-lieu of Parking - 1012 King Street West - Delegations

- (a) Submission - Anthony Wellenreiter for Jacob Rozencweig
- (b) Submission - Susan Holmes: Westdale Neighbourhood Association

4.2 Conveyance of Land for Park Purposes

**ZONING APPLICATIONS**

**10:30 O'CLOCK A.M.**

- 5. City Initiative 92-A, for a change in zoning from "AA" to "C" for property located at the rear of No. 89 Stone Church Road East; Jerome Neighbourhood
- 6. Zoning Application 92-06, Lyle and Lorna Hostein, owners, for a change in zoning from "AA" to "C" for property located at No. 595 Rymal Road West; Carpenter Neighbourhood
- 7. Sheldon/Mewburn Neighbourhood Plan

**11:00 O'CLOCK A.M.**

- 8. Zoning Application 91-67, West Highland Baptist Church, owner, for a change in zoning from "AA" to "DE-3", for lands located at the southerly portion of No. 1605 Garth Street; Sheldon Neighbourhood
- 9. Hamilton Beach Neighbourhood Plan
- 10. Zoning Application 91-54, Anthony C. Dabner and David D. Hill, owners, for a modification to the established "K" District regulations for property located at No. 276 Sanford Avenue North; Gibson Neighbourhood (not a public meeting)
- 11. **OTHER BUSINESS**
- 12. **ADJOURNMENT**







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood mtg.
C.I. - Mohawk Sports Park & Bernie Arbour Stad.	1991 May 22	Planning	To be processed







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting in 1992 May
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading requirements for one lot severences	1992 February 19	Roads Department	Report Pending
ZA-91-82 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North	1992 March 4	Planning	Tabled - to resolve neighbour's concerns
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee - Circulation on municipal projects	1992 March 25	Municipal Depts and standing Committees	Tabled - to solicit comments from Municipal Depts and standing committees
170 1/2 MacNab St. N.	1992 May 6	Building	Tabled - Report Pending







P+D letter March 25/92  
Tabled.

P+D letter Apr 8/92 Further Tabled  
TA

1a)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 March 9  
ZA-89-94  
Broughton West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

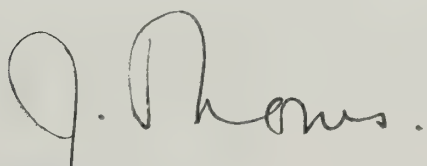
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Condition of approval - No. 820 Rymal Road East.

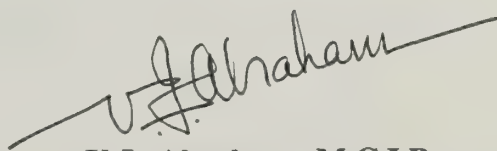
#### RECOMMENDATION:

That the Planning and Development Committee reaffirm its decision of December 13, 1989, as set out under Section 13 of the First Report for 1990, as follows:

- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

#### BACKGROUND:

- Zoning Application 89-94

At its meeting of December 13, 1989, the Planning and Development Committee approved the subject application for an Official Plan Amendment to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit the development of a commercial shopping plaza.



Approval of the application was conditional on the following:

- "C. That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

For the information of the Committee, the Planning Department had recommended denial of the application for the following reasons:

- "i) The proposal conflicts with the intent of the Official Plan and the approved Broughton West Neighbourhood Plan which designate the lands for "Residential" use.
- ii) There is an adequate supply of commercially designated/zoned lands (approx. 38.0 acres) in the surrounding area along Rymal Road to serve the needs of the residents in this area.
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan."

City Council at its meeting of January 30, 1990, approved the recommendation of the Planning and Development Committee to allow the application.

- Block "288"

At the rear of the applicant's lands is an irregular strip of land (approx. 200' by 17-19') which is owned by an adjoining property owner, DiCenzo Construction Company Limited (see APPENDIX "B"). The strip of land formed Block "288" (originally known as Block "309") in the "Sandrina Gardens" plan of subdivision, which was draft approved on November 22, 1989. One of the conditions of approval specified that Block "288", among others, be developed only in conjunction with adjoining lands.

In this regard, the adjoining property owner made a submission (see APPENDIX "C") to the Planning and Development Committee at the time the subject application was considered. Consequently, in approving the application the Committee included a condition that both parties negotiate a satisfactory resolution respecting the disposition of Block "288".

- Recovery of Servicing Costs

The Transportation/Environmental Services Group has advised that, generally, any owner abutting a road allowance is responsible for the portion of the costs related to the municipal services installed abutting their lands.



In this instance, a 0.3m reserve is established adjacent to the easterly lot line of the applicant's lands (see APPENDIX "B" - Block "295"). Accordingly, the applicant would be required to pay for his share of the services installed on Street "A" when the lands are developed, regardless of whether or not a driveway access is provided. These costs would be recovered by the City and Region.

With respect to Block "288" (see APPENDIX "B"), DiCenzo Construction would be responsible for paying the servicing costs on Street "B" (see APPENDIX "B"). Consequently, they are attempting to recover the costs for these services, including 1/2 of the roadway, in conjunction with the sale of Block "288".

- Negotiations

By January 1992 both parties appeared to be moving towards an agreement on this matter, and in fact an Agreement of Purchase and Sale was made by a third party to DiCenzo Construction Company Limited. Subsequently, the solicitor for DiCenzo Construction Company Limited forwarded a long form agreement to be registered on title to the prospective purchaser.

However, the parties were unable to finalize an agreement and the applicant's agent requested that this matter be forwarded to the Planning and Development Committee for resolution.

**COMMENT:**

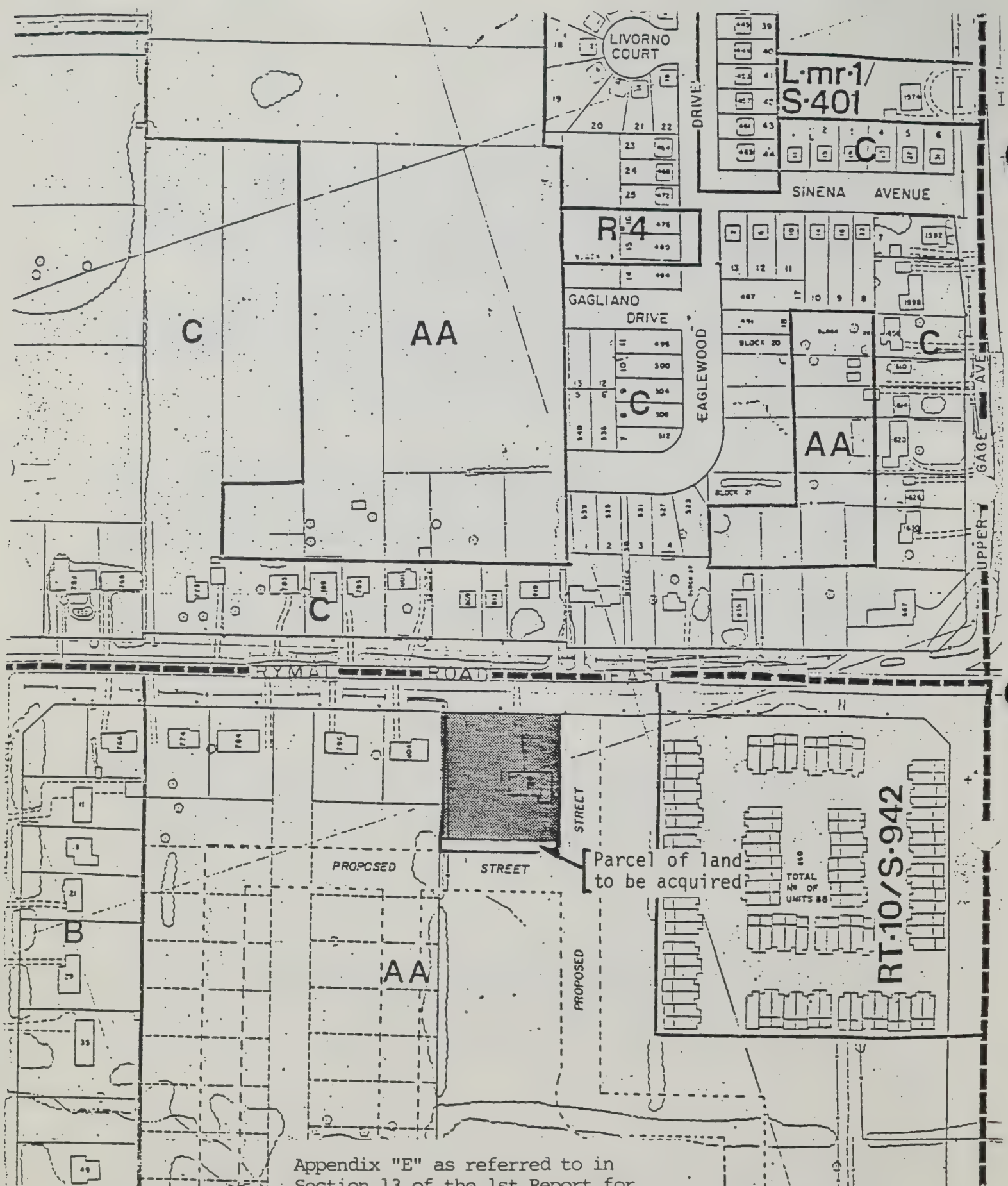
From a Planning perspective, any future development of the applicant's lands (see APPENDIX "A") should incorporate the adjoining remnant parcel of land to the south (Block "288" - APPENDIX "B"). To date, all previous planning considerations (e.g. Neighbourhood Plan, draft plan of subdivision) have provided for this.

**CONCLUSION:**

The Planning and Development Committee should reaffirm its decision of December 13, 1989, to require "...the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

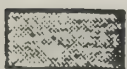
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ZA8994



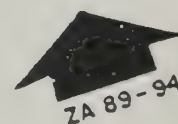


Appendix "E" as referred to in  
 Section 13 of the 1st Report for  
 1990 of the Planning and  
 Development Committee

**Legend**



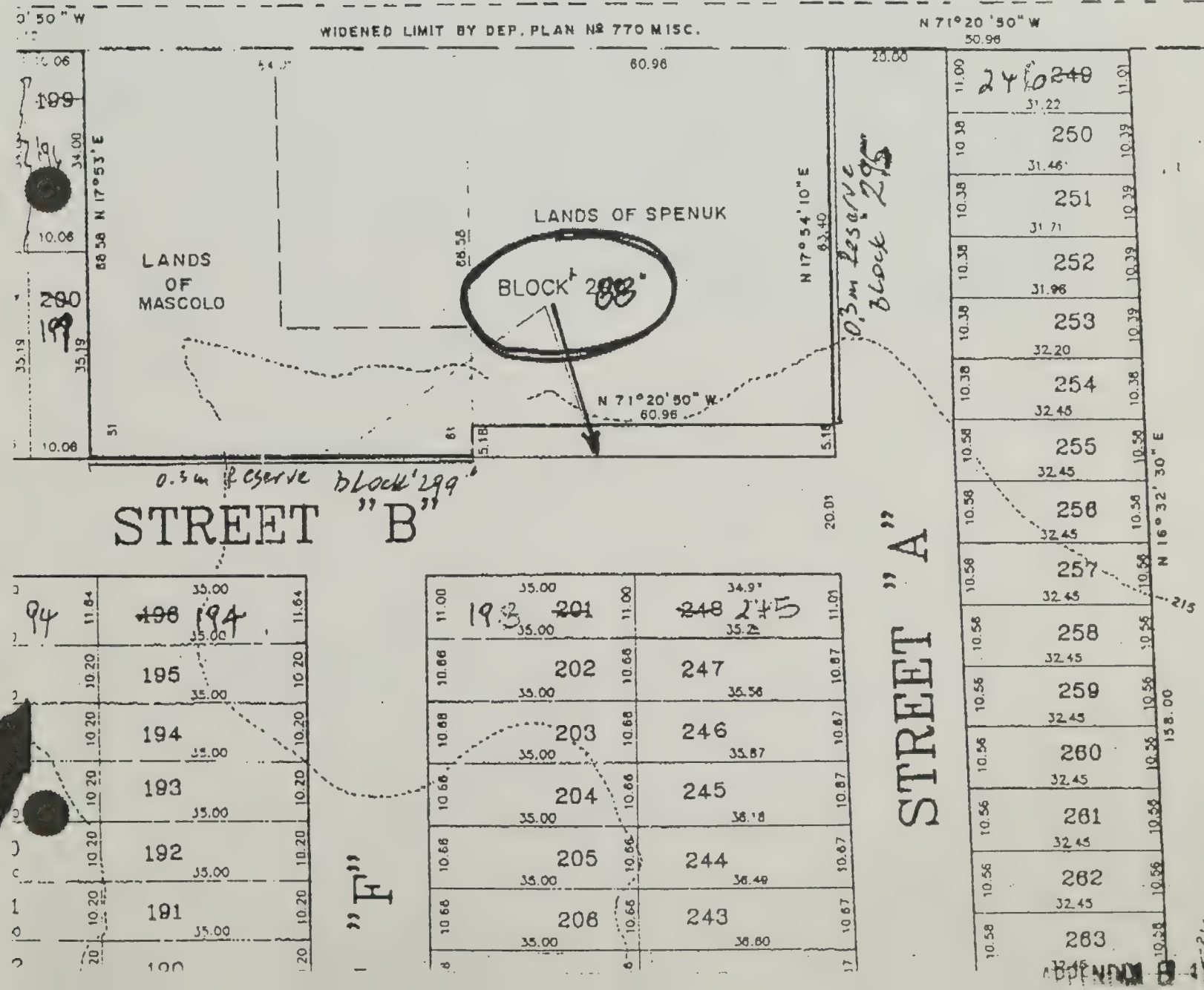
Site of the Application



APPENDIX A



ROAD





# DiCenzo Construction Co. Ltd.

GENERAL CONTRACTORS  
CUSTOM BUILT HOMES



PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.	DEC 07 1989		
TO	STAFF UNIT	INFO UNIT	
DIG.			
PR & A			
NEIGH.	TEL: 581-3767		
DEV.	205 QUIGLEY ROAD		
PS & U.C.	UNIT #2	HAMILTON, ONTARIO	
	L8K 5M8		
SUB. A			
CART.			
ADMIN.			

December 6, 1989

Real Estate Department  
City Hall  
Hamilton, Ontario  
L8N 3T4

ATTENTION: MR. MIKE WATSON

Dear Mr. Watson:

We received a change of zoning Application by Mr. J. Spenuk regarding the property at No. 820 Rymal Road East, if this Application is approved I would like to draw your attention to the fact that there are 2 proposed streets next to this property in addition to a strip of land between the street and the property which are owned by DiCenzo Construction. Any costs incurred with regards to half of the proposed streets and the strip of land, including land costs and service costs should be paid by Mr. Spenuk.

Thank you,

A. DiCenzo

cc Paul Mallard, Planning Dept., City Hall **ZA-89-94**  
cc Mr. Brenner, Engineering Dept., City Hall

Delivered by: Mr. A. DiCenzo  
December 7, 1989.



URBAN MUNICIPAL

MAY 15 1992

GOVERNMENT DOCUMENTS

**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 MAY 20**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 May 06.

**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Tivoli Theatre - Heritage Permit Application for "Sam The Record Man" sign on south facade at 108 James Street North

**C. BUILDING COMMISSIONER**

Demolition of:

- (a) 50 Imperial Street
- (b) 1184 Garth Street
- (c) 1491 Upper James Street
- (d) 1493 Upper James Street
- (e) 1499 Upper James Street
- (f) 1517 Upper James Street
- (g) 1523 Upper James Street

**D. ACTING DIRECTOR OF PUBLIC WORKS**

North End East and West Neighbourhoods; Amendment to the Community Improvement Project Area







E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Federal Environmental Assessment Process - Radio Station Antennae
- (b) Proposed Draft Plan of Condominium - South side of Homewood Avenue, east of Dundurn Street South

F. INFORMATION REPORTS

- (a) City Solicitor - Adult Video
- (b) Commissioner of Planning and Development - Approved Site Plan Control Application







A.

Wednesday, 1992 May 06  
10:30 a.m. O'clock  
Room 233, City Hall

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

**Regrets:** Alderman F. Eisenberger (vacation)

**Also present:** Alderman T. Anderson  
V. Abraham, Director of Local Planning  
P. Mallard, Development & Urban Design, Planning Department  
J. Hickey-Evans, Manager, Policy Planning & Analysis  
B. Janssen, Planning Department  
C. Floroff, Planning Department  
R. Karl, Traffic Department  
P. Lampman, Building Department  
A. Zuidema, Law Department  
R. Sabo, Law Department  
G. Aston, Regional Engineering  
T. Agnello, Secretary

**1. CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

The minutes of the meeting of 1992 April 22 were adopted as circulated.

**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

**St. Clair Boulevard Heritage Conservation District**

As recommended by the Secretary of LACAC in a report dated 1992 April 27, the Committee recommended to Council as follows:

- (a) That City Council give approval to designate by by-law, the St. Clair Boulevard Heritage Conservation District as outlined on the map attached hereto and marked as Appendix "A", under Part V of the Ontario Heritage Act, 1983.
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this District designated pursuant to the provisions of the Ontario Heritage Act, 1983.
- (c) That City Council adopt by resolution the St. Clair Heritage Conservation District Plan.



**C. BUILDING COMMISSIONER****(a) Appointment of Trade Licence Inspectors**

As recommended by the Building Commissioner in a report dated 1992 April 14, the Committee recommended to Council as follows:

That the City Clerk be authorized and directed to notify the Administrator of Licences for the Regional Municipality of Hamilton-Wentworth, that the City of Hamilton's Building Inspectors and the Chief Building Official as appointed by By-law 92-094, and any amendments thereto, be appointed as Trade Licence Inspectors.

**(b) Demolition of 1437 Barton Street East**

As recommended by the Building Commissioner in a report dated 1992 April 28, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 1437 Barton Street East, subject to owner submitting proof that the title of the lands located at 1437 and 1441 Barton Street East have merged.

**(c) Commercial Facade Loan Programme - 84 1/2 Ottawa Street North**

As recommended by the Building Department dated 1992 April 14, the Committee recommended to Council as follows:

That a Commercial Facade Loan in the amount of fifteen thousand dollars (\$15,000.) be approved for 914914 Ontario Inc., Howard's Flower Shop c/o Gerald Carey, 84 1/2 Ottawa Street North, Hamilton at 4 1/8 percent interest amortized over 10 years.

**D. COMMISSIONER OF PLANNING AND DEVELOPMENT****(a) City of Hamilton comments on Vision 2020**

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 24, the Committee recommended to Council as follows:

(i) That the Planning and Development Committee recommend to City Council that the comments contained in the report "City of Hamilton Comments on Vision 2020 - The Draft Vision Statement of the Regional Chairman's Task Force on Sustainable Development", attached hereto as Appendix "B", be endorsed; and,

(ii) That the City Clerk be directed to advise the Regional Chairman's Task Force on Sustainable Development of City Council's endorsement.

**E. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE****Response to the Draft Vision Statement of the Regional Chairman's Task Force on Sustainable Development**

As recommended by the Chairperson of CAPIC in a report dated 1992 April 29, the Planning and Development Committee resolved that the comments of the members of the Central Area Plan Implementation Committee, respecting



the Draft Vision Statement of the Regional Chairman's Task Force on Sustainable Development be forwarded to the Task Force.

**F. INFORMATION ITEM**

**Commissioner of Planning and Development - Site Plan**

The Committee was in receipt of an information report from the Commissioner of Planning and Development dated 1992 April 30.

**ZONING APPLICATIONS**

2. **Zoning Application 91-63, Robert Shelley Construction Ltd., owner, for a change in zoning from "AA" to "R-4", for lands north of Rockview Avenue and west of the proposed extension of Crerar Drive; Crerar Neighbourhood**

The applicant was present in support of his application.

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 27, the Committee recommended to Council as follows:

That approval be given to Zoning Application 91-63, Robert Shelly Construction Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit the development of the subject lands for small lot single family dwellings for property located north of Rockview Avenue, west of the proposed extension of Crerar Drive, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-18B for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 92-01, 603815 Ontario Inc., owner, for a further modification to the established "C" District regulations, for property located at No. 1492 Upper James Street; Mewburn Neighbourhood**

The applicant was present in support of his application.

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 28, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 92-01, 603815 Ontario Inc. (Dave Armstrong), owner, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the temporary use of lands and the existing building for the sale of new and used cars for a further three year period, for property located at 1492 Upper James Street, as shown on the attached map marked as Appendix "D" on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-law No. 90-227 applicable to the subject lands, be further modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands and the existing building(s) only, for the sale of new and used automobiles for a further maximum period of three years;



- (b) That notwithstanding Section 9.(1) of By-law No. 6593, one pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of By-law No. 6593;
- (c) That notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0 m wide landscaped planting strip shall be provided and maintained only along the northerly lot line;
- (d) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939b, and that the subject lands on Zoning District Map W-9D be notated S-939b;
- (f) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. **Zoning Application 92-05, J. & F. Capuccinello Iraci, owners, for a change in zoning from "AA" to "C", for lands located at No. 50 Christopher Drive; Kennedy East Neighbourhood**

Alderman D'Amico declared an interest by virtue of owning property in the vicinity.

In response to a question from Alderman Merling, Paul Mallard advised that the recommendation is consistent with a study conducted to identify opportunities for residential infilling.

As recommended by the Commissioner of Planning and Development in a report dated 1992 April 24, the Committee recommended to Council as follows:

The approval be given to Zoning Application 92-05, James and Felicia Capuccinello Iraci, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of a single-family dwelling lot, for property located at 50 Christopher Drive, as shown on the attached map marked as Appendix "E" on the following basis:

- (a) The subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

\*Alderman Merling opposed.

5. **Zoning Application 92-04, 800064 Ontario Inc. (A. DiSilvestro), owner, for removal of the "H" (Holding) provision from the "C" (Urban Protected Residential, etc.) District for Blocks "1", "2" and "3", the "R-4" (Small Lot Single - Family Detached) District for Block "4", and the "RT-20" (Townhouse-Maisonette) District for Block "5", for lands located at No. 480 Rymal Road West; Falkirk East Neighbourhood (Not a public meeting)**

Caroline Floroff advised that a minor amendment to the recommendation should be made to correct the reference regarding Section 34(1) of the Planning Act to 35(1).



As recommended by the Commissioner of Planning and Development in a report dated 1992 April 28, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-04, 800064 Ontario Inc. (A. DiSilvestro), owner, requesting the removal of the "H" (Holding) symbol provision under Section 35(1) of the Planning Act, to permit the development of the subject lands for single-family dwellings (Blocks "1", "2", & "3"), small lot single-family dwellings (Block "4") and townhouse dwellings (Block "5"), and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 90-311, and Zoning District Map E-27D for presentation to City Council for the property located at 480 Rymal Road West, shown as Blocks "1", "2", "3", "4" & "5" on the attached map marked as Appendix "F".

6. CORRESPONDENCE - CENTRAL BEASELY PRIDE HINT COMMITTEE

**Via Rail Service to Hamilton**

The Committee moved to receive correspondence from the Central Beaseley Pride Hint Committee regarding Via Rail service to Hamilton dated 1992 April 27 and to refer the correspondence to the Transport and Environment Committee for information.

7. ALDERMAN W. MCCULLOCH

Alderman McCulloch stated that adult video stores should be zoned for areas where they would be least offensive.

Mr. Sabo advised that a survey of municipalities in Ontario has indicated that nude dancing establishments are controlled through zoning. Adult Video Stores are not zoned exclusively because the definition of "adult video" is difficult to determine since most video stores carry films classified as adult. He also explained that video stores are licenced by the Province and regulated through the Ontario Censor Board. Sale to those less than 18 years of age is prohibited. He added that only the Province has the right to revoke a licence.

Lynn Scime was present to object to "Triple X" video stores. Mr. Sabo advised that the category of movies is considered restricted and that the triple X posting is advertising.

Leda Yachetti, a member of Canadians for positive community standards was present. She advised that 66% of films reviewed by the Ontario Censor Board are adult films.

Mrs. Scime conveyed invitations to the Planning and Development Committee members to attend a community meeting at Bishop Ryan Highschool on 1992 March 25.

Alderman Kiss suggested that a report be prepared on the matter.

Following discussion, the Committee resolved to receive the information regarding Adult video stores.

8. OTHER BUSINESS

- 8.1 Alderman Merling advised that there will be a neighbourhood meeting on 1992 May 20, 3:00 p.m. at Carmen's Banquet Centre regarding the M-District review.



- 8.2 The Chairperson advised that there will be a neighbourhood meeting on 1992 June 24 regarding the residential enclaves study.

9. CONFIDENTIAL ITEM

The Committee resolved to introduce an added confidential item and moved to closed session to discuss a confidential report of the Building Commissioner regarding 170 1/2 MacNab Street North dated 1992 May 1 and reconvened immediately thereafter with the following report:

That the report of the Building Commissioner regarding 170 1/2 MacNab Street North dated 1992 May 1, be tabled with directions to the Building Commissioner to provide further information.

10. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE



Appendix "A" referred to  
in Section 1B(a) of the  
minutes of the Planning and  
Development Committee meeting of  
1992 May 06



Map showing the proposed St. Clair Boulevard Heritage Conservation District, directly south of the existing St. Clair (Avenue) Heritage District.



**COMMENTS ON VISION 2020: THE DRAFT VISION STATEMENT OF THE  
REGIONAL CHAIRMAN'S TASK FORCE ON SUSTAINABLE DEVELOPMENT**

The members of the Task Force and the members of the working groups are to be congratulated for the work they have accomplished and the consensus reached on a broad range of difficult Regional issues. The Vision Statement contains broad principles regarding sustainable development and, in very general terms, these principles can be supported. However, the following comments of the City of Hamilton are noted which could be used to strengthen the Vision:

- Sustainable Development Defined

The Task Force defines sustainable development as follows: "Sustainable development requires the integration of economic, environmental and social factors in both private and public decision making to ensure a viable future for us all."

While the definition is broad, the inclusion of the phrase "private decision making" is problematic in that private decisions are made at many levels ranging from individuals to large corporations. It is unclear as to the context for including "private decision making" in the definition. In addition, the Task Force may wish to recognize that the Region cannot mandate private decision making. Further, it must be recognized that all levels of Government need to work together with private interests to achieve solutions.

- Principles of Sustainable Development

The Vision Statement contains the following four principles on sustainable development:

- "1. the fulfilment of human needs for peace, clean air and water, food, shelter, education, and useful and satisfying employment;"

Comment: While all persons would support and desire "useful and satisfying employment", this is a subjective description based on individual interpretation. Useful and satisfying employment is not within the realm or control of Regional government. However, the Region can work to develop opportunities for productive employment for Hamilton-Wentworth's citizens.

- "2. the maintenance of ecological integrity through careful management, rehabilitation, reduction in wastes and protection of diverse and important natural species and systems;"

Comment: This principle can be supported.



- "3. provision for self-determination through public involvement in the definition and development of local solutions to environmental and development problems; and,"

Comment: The City of Hamilton supports broad-based community decision-making in all areas of municipal responsibility. However, the term "development" is unclear and should be defined.

- "4. achievement of equity with the fairest possible sharing of limited resources among contemporaries and between our generation and our descendants."

Comment: The idea of equitable distribution of resources and equitable access to resources is certainly a laudable goal; however, it is implied there are inequities at present. This principle of equity requires further explanation.

### The Vision

The Vision Statement is separated into the following categories: Overview; The Landscape; Our Communities; Getting Around; Quality of Life; and Livelihood. Each is summarized below and, where applicable, comments are provided.

#### a) Overview

The overview, in part, states: "In the year 2020, Hamilton-Wentworth is home to approximately 1/2 million people, living in a region made up of compact urban core areas, surrounded by a rural landscape that includes productive farms, hamlets, and a continuous network of natural areas." While this is a supportable objective, there is no recognition of the existing built urban form in Hamilton-Wentworth nor is there a link established between the present built urban form and the Vision outlined in this statement. The role of the Central Area of the City of Hamilton should also be strengthened and recognized. The Task Force must recognize the present built urban form will to a very large extent constitute the built urban form in future years.

#### b) The Landscape

Within this section, there are inferences made to existing problems which may in fact not exist. For example, the Vision states that "Citizens abide by environmental laws and regulations ... ." Implicit within this statement is the idea that citizens currently do not abide by environmental laws and regulations. The Task Force may wish to re-examine the style in which the document is written to clarify the intent of statements such as this.



Reference is made in this section to the evaluation of private initiatives. It should be noted that, within the realm of Regional government, the opportunities to directly review and evaluate private initiatives is limited. The Task Force may wish to clarify the intent of this term.

c) **Our Communities**

The Vision presented within this section is one of mixed land use with opportunities for employment and residence in close geographical proximity. While this is an idealized community, it should be recognized that not all persons choose to live in such a community. There will continue to be a significant number of families and individuals who prefer a more suburban style of community and opportunities for all preferences should be recognized within the Vision.

d) **Getting Around**

The central theme of this section of the Vision is a move away from the automobile as the central means of transportation. Also emphasized is the use of public transit, bicycles, and walking as the predominant means of transportation. Given the persistent decrease in public transit ridership and that our region has been developed around the auto, this Vision may be difficult to achieve. In this event, the challenge could be viewed as how to incorporate the use of the automobile into our communities' designs without allowing the automobile to dominate our physical community.

e) **Quality of Life**

Within this section, the Vision Statement addresses those needs which should be fulfilled within our community. These include: shelter, income, food, and education. Our community should also be integrated, safe, and non-violent. These are general principles which are important goal statements for our community to strive towards.

There are two specific concerns with particular statements which the Task Force may wish to re-examine. First, the statement "disease and disability are being progressively reduced." It should be recognized that eliminating disabilities is something that may in fact never happen. Another important goal is to strive for the full integration of persons that are physically and mentally challenged into our communities in every manner.



The second concern is with the statement "Our cultural institutions and groups advocate values consistent with environmental sustainability. Educational institutions instill sustainable values and citizens pursue sustainable lifestyles." Values are extremely personal based on the individual's beliefs and moral code. Therefore, a more concrete goal to address is supporting the principles of sustainable development and achieving the incorporation of these principles into our community's consciousness and expectations through our educational institutions.

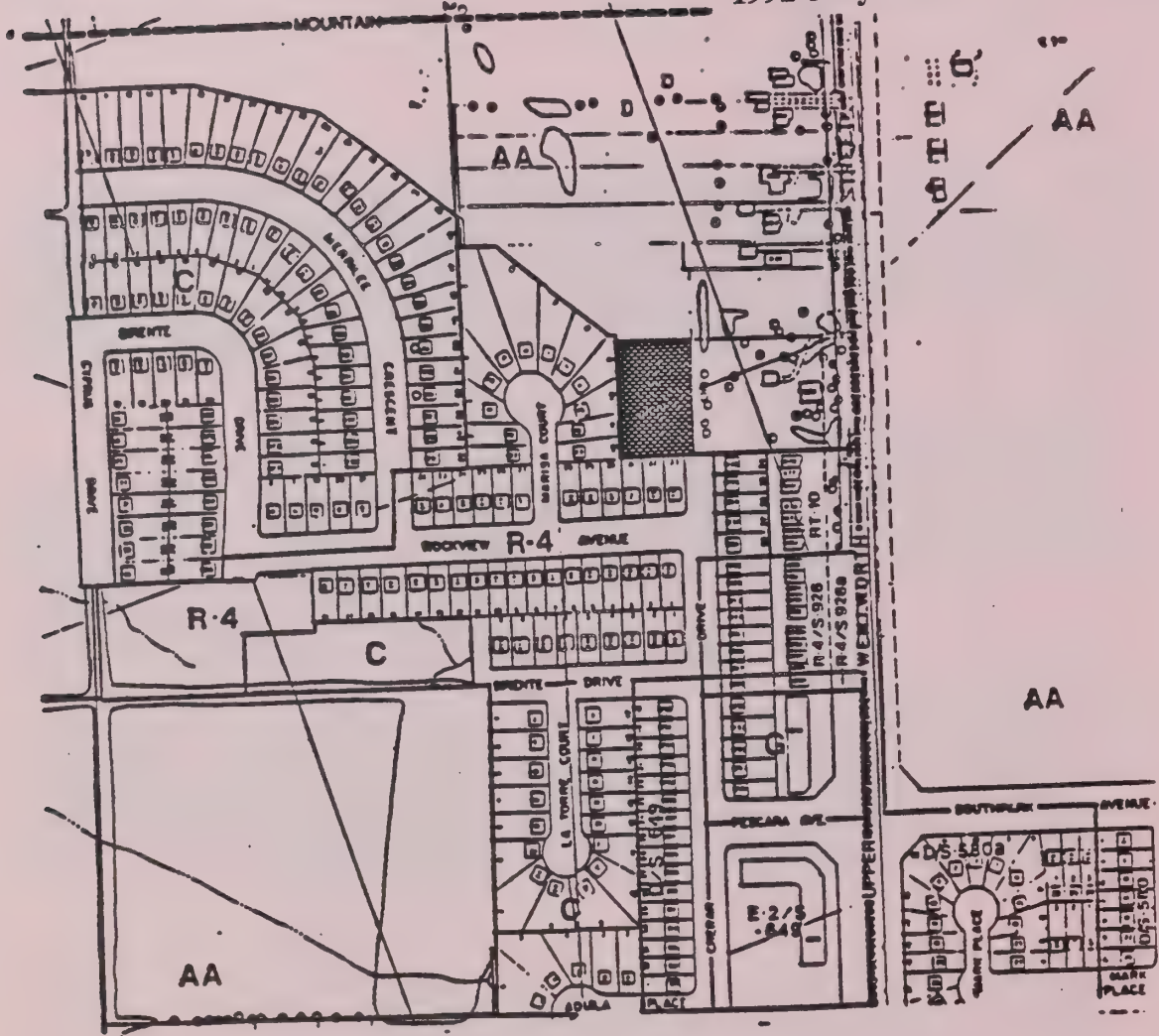
#### 7) Livelihood

This section of the Vision addresses the economic base of our community. Several issues are addressed including sustainable economic growth and the agricultural sector. What is not included, however, is the idea of the Region working with the industrial, commercial, and agricultural sectors of Hamilton-Wentworth to achieve sustainable economic growth. Also, the Task Force may wish to include within this section a Vision on long-term job creation to facilitate other aspects of the Vision (such as Quality of Life) for the citizens of Hamilton-Wentworth.

In addition, the Task Force must recognize that Hamilton-Wentworth is not immune to the changes occurring the global marketplace. Increasingly, all goods and services are being costed on an international basis; therefore, the future economic success of the community depends on identifying and building upon Hamilton-Wentworth's comparative advantage in Canadian and world marketplaces.



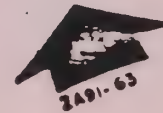
Appendix "C" referred to  
in Section 2 of the  
minutes of the Planning and  
Development Committee meeting of  
1992 May 06



Legend



Site of the Application





1992 May 06

ST FIFTH ST

SITE PLAN CONTROL BY-LAW 86-202

G-1-H/  
S-1230

C

G/S-939a

JAMES STREET

REGINA DRIVE

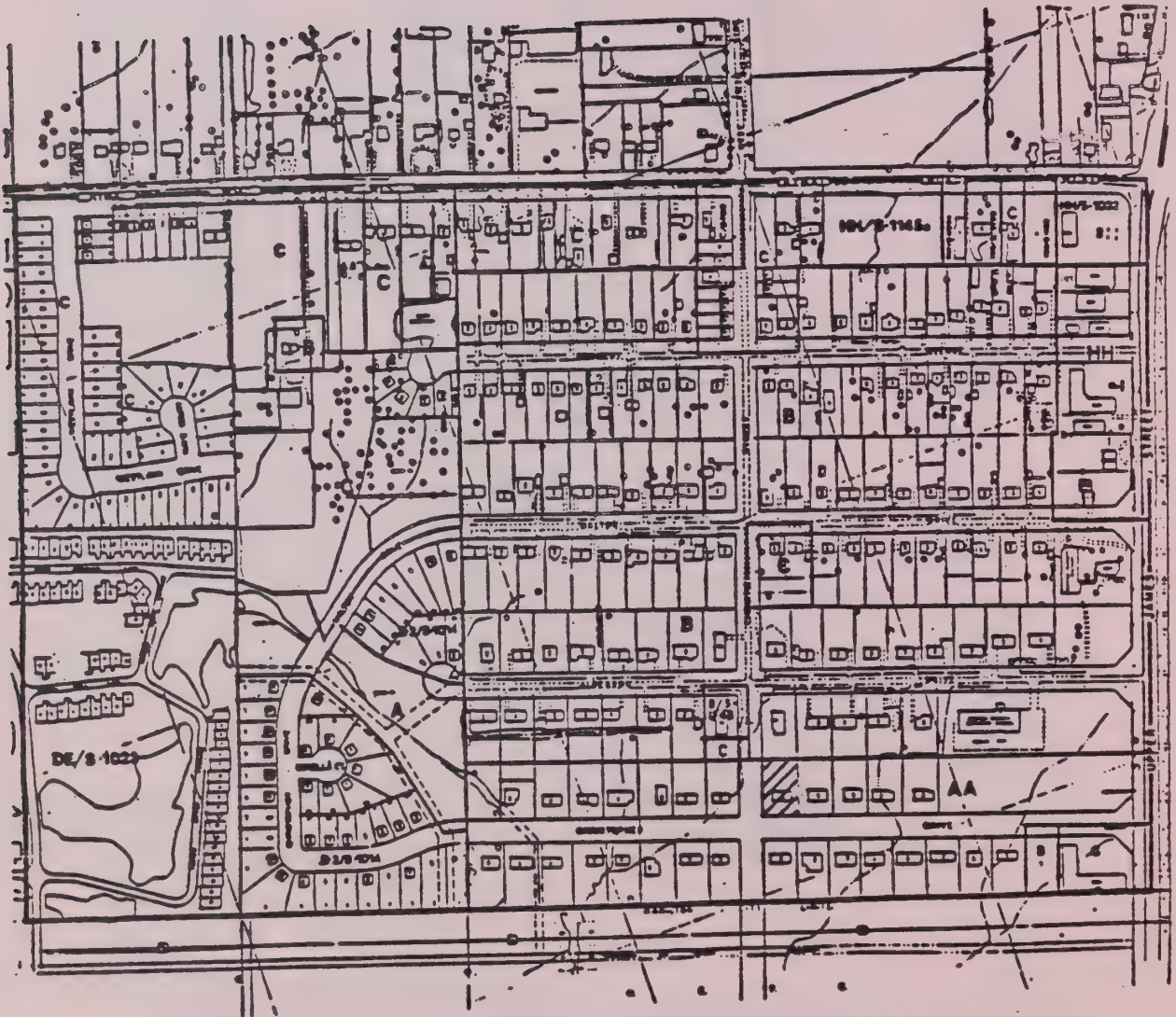
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UPPER





Appendix "E" referred to  
in Section 4 of the  
minutes of the Planning and  
Development Committee meeting of  
1992 May 06



Legend



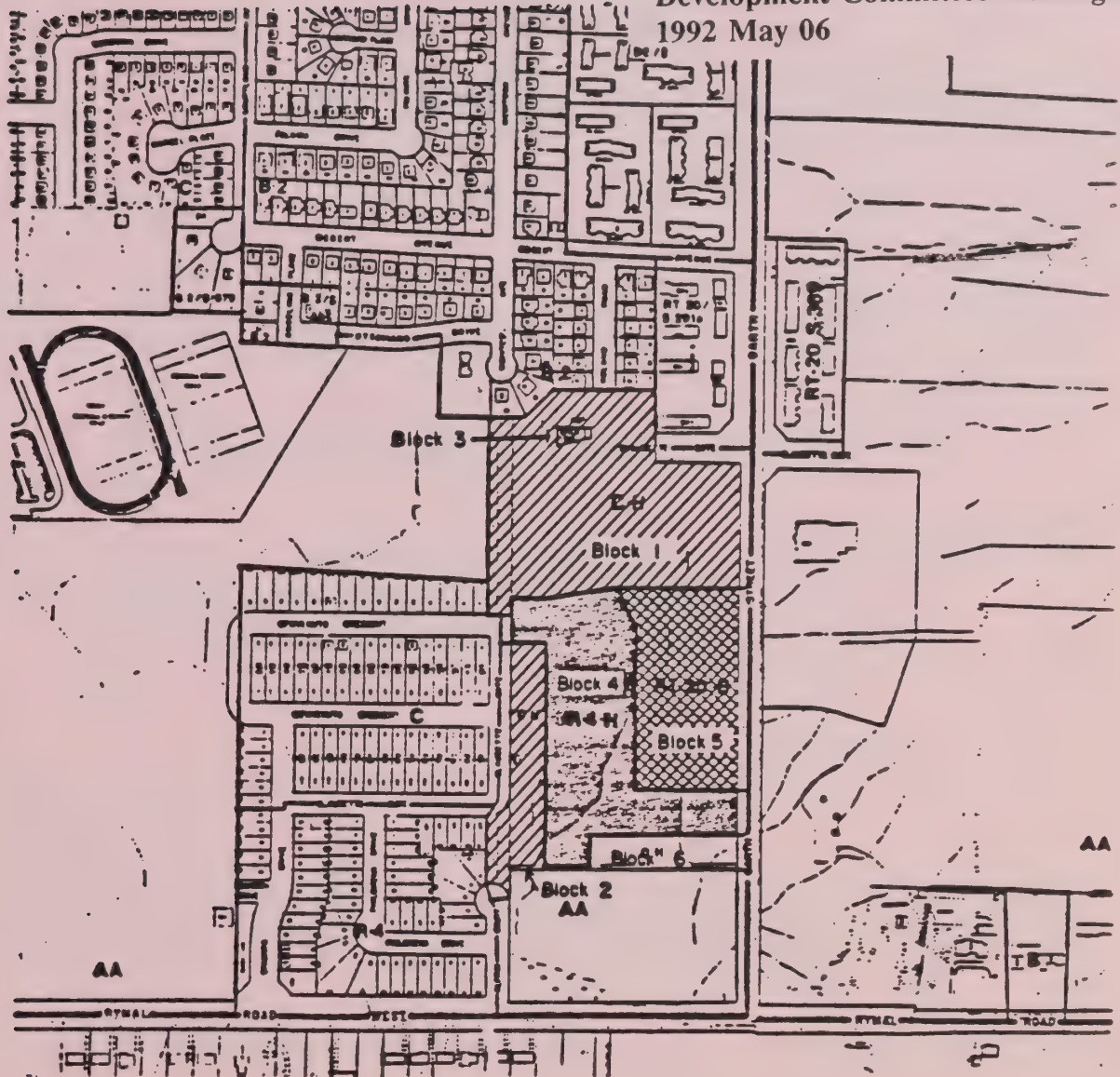
Site of the Application



ZA-92-05








Appendix "F" referred to  
in Section 5 of the  
minutes of the Planning and  
Development Committee meeting of  
1992 May 06



**Legend**

Removal of the "H" Holding Provision from the:

BLOCKS 1 & 2		"C" (Urban Protected Residential, etc.) District.
BLOCK 3		"C" (Urban Protected Residential, etc.) District, modified.
BLOCK 4		"R-4" (Small Lot Single-Family Residential) District.
BLOCK 5		"RT-20" (Townhouse-Multifamily) District.
"H" Holding Provision to Remain For:		
BLOCK 6		"C" - "H" (Urban Protected Residential, etc. - Holding) District.









B.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**RECEIVED**

MAY 11 1992

**DATE:** 1992 May 11

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**CITY CLERKS**

**FROM:** Charlene J. Coutts, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** TIVOLI THEATRE - HERITAGE PERMIT  
APPLICATION FOR "SAM THE RECORD MAN" SIGN  
ON SOUTH FACADE AT 108 JAMES STREET NORTH

**RECOMMENDATION:**

That the City not oppose the issuance of a Heritage Permit to allow for the erection of a proposed temporary sign at 108-112 James Street North, subject to the terms contained in Schedule "A" as attached, and to the satisfaction of the City Solicitor.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

An application has been submitted to the Building Department for a Building Permit to erect the proposed temporary sign. The temporary nature of the sign is certified in a letter dated 1992 April 6 from Lana Sniderman, Vice-President, Roblan Distributors Ltd.

*Clout*



As there are currently no provisions in the City of Hamilton Zoning By-law for temporary signs, the City's Law Department has advised that the only legal way of ensuring that the sign will be temporary is to attach certain conditions to the heritage permit. The proposed sign, due to its size (12' wide by 36' high) and visual impact, qualifies as an alteration under the terms of the Ontario Heritage Act, and as such, will require Council approval through the Heritage Permit process.

Roblan Distributors Ltd. has reviewed the attached Schedule and has no objections to the conditions contained therein.

Attached

c.c. Victor Abraham, Director of Local Planning  
Patrice Noé Johnson, City Solicitor  
Ann Gillespie, Planning Department

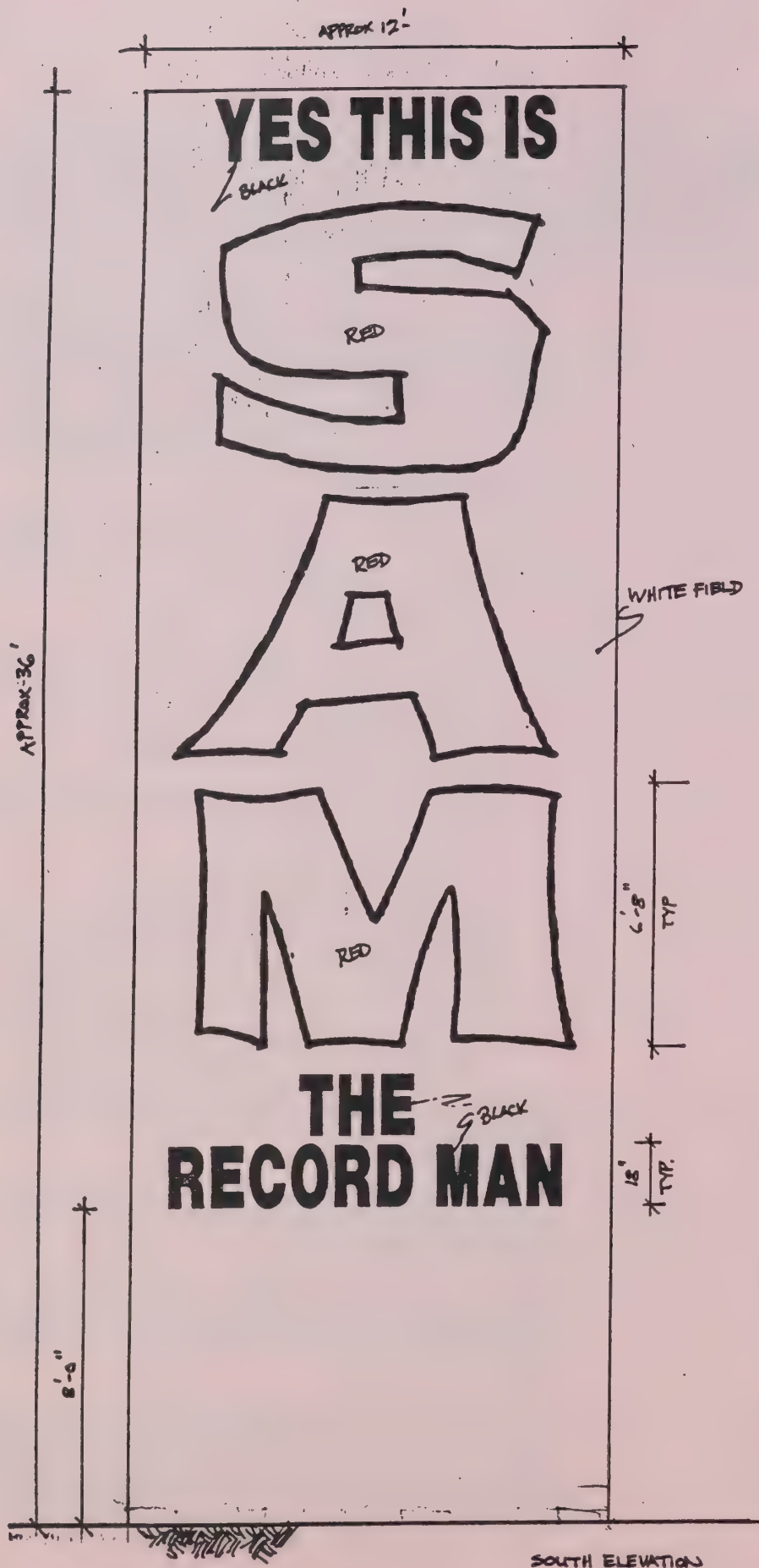


## SCHEDULE "A"

City Council hereby grants its consent to the application by Sniderman Radio Sales and Service Limited (owner of 108-112 James Street North), for the issuance of a heritage permit under section 33 of the Ontario Heritage Act, to permit an alteration to 108-112 James Street North, designated by By-law No. 90-255, registered as Instrument No. 060789, which alteration will consist of the erection of a temporary sign upon the Tivoli Theatre located at 108-112 James Street North, Hamilton, upon the following conditions:

- (1) the sign shall be a temporary sign which shall be taken down upon the conclusion of the restoration of the above building, or a period of one year from the date Hamilton City Council authorizes this consent, whichever is earlier;
- (2) the consent for the temporary sign may be extended by Hamilton City Council on the terms and conditions Council deems as necessary upon application by the owner;
- (3) the sign, as proposed in a plan received from the applicant, is approved subject to the usual regulations for signs and subject to the following matters required by L.A.C.A.C.:
  - (a) maximum size: 12' wide by 36' high;
  - (b) colours: black and red letters on white field, as shown on attached drawing;
  - (c) lettering: as shown on attached drawing;
  - (d) location: south facade with minimum setback of 1' from south-west corner of building;
  - (e) building material: 3/4" plywood;
  - (f) method of securing same to the building facade:
    - 1/4" angle irons bolted to wall at mortar joints with 3 1/2" lag screws;
    - minimum 1" space between back of sign and face of brick masonry;
    - minimum of 6" above ground and supported on legs or by other means allowing for sufficient air circulation.
- (4) Hamilton City Council may require by Notice to the owner that the sign be removed by the owners at any time prior to the dates contemplated in (1), above;
- (5) the owner shall remove the sign at his own expense upon the expiry of the time periods in (1), above, or at the request of Hamilton City Council pursuant to (4), above;
- (6) where the owner has failed to comply with (5), above, the City of Hamilton may remove the sign and the costs for same shall be paid upon demand by the owner or added to the owner's municipal tax account with the City;
- (7) the owner shall enter into an agreement with the City of Hamilton in a form satisfactory to the City Solicitor accepting the foregoing conditions, assuming the obligations outlined above and providing the City with a licence to enter the land to remove the sign, if necessary; such agreement to be registered on title to the property by the owner, prior to proceeding with the said alteration.





# SAM THE RECORD MAN

EXTERIOR WALL SIGN  
ON SW CORNER OF  
108 JAMES ST.  
HAMILTON, ONT

MAR. 27/92  
3/8" = 1'-0"

Construction of sign: plywood with black and red (SAM) letters on a white background.



**CITY OF HAMILTON**

**- RECOMMENDATION -**

**RECEIVED**

**MAY 12 1992**

**CITY CLERKS**

**DATE:** 1992 May 8

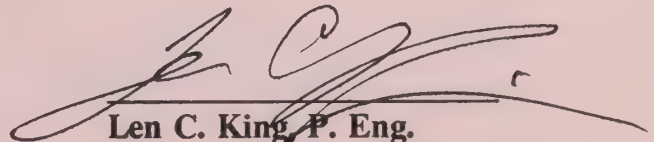
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
50 Imperial Street - Tag Number 86368

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 50 Imperial Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "K" (Heavy Industry, etc.)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Vacant

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in poor condition

It is the intention of the owner to demolish the existing single family dwelling and leave the land vacant for the near future. Lot Size 25.00' x 126.00'

The owner of the property as per the demolition permit application is:

Cecil Mosselman  
408 East 24th Street  
Hamilton, Ontario L8V 4V3  
Telephone Number: 385-1816

c.c. 92.2.4.2.1.A







CITY OF HAMILTON

- RECOMMENDATION -

C.(b)  
RECEIVED

MAY 12 1992

CITY CLERKS

**DATE:** 1992 May 8

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1184 Garth Street

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1184 Garth Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "AA" (Agricultural District)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Mountain Freeway

**BRIEF DESCRIPTION:** 1-3/4 storey brick veneer dwelling in good condition

It is the intention of the Region to demolish the existing single family dwelling for the proposed Mountain Freeway. Lot Size 165.00' x 290.94'

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth  
Property Department, Real Estate Division  
Attention: Mr. Dominic Consoli  
Telephone Number: 546-2738







CITY OF HAMILTON

**- RECOMMENDATION -**

**DATE:** 1992 May 8

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1491 Upper James Street - Tag Number 86494

RECEIVED

MAY 12 1992

CITY CLERKS

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1491 Upper James Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G/S-1069a"

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Car Dealership

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in poor condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a car dealership. The owner has a zoning application (ZA-91-56) which is at a draft by-law stage and this draft by-law will be held in abeyance pending approval of site plans for the car dealership proposal. The building has been fire damaged. Lot Size 165.00' x 493.11'

The owner of the property as per the demolition permit application is:

John LeCluse  
925 Main Street West  
Hamilton, Ontario L8S 4P3  
Telephone Number: 523-0302







C.(d)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 May 8

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1493 Upper James Street - Tag Number 86496

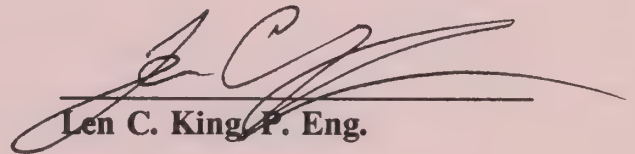
**RECEIVED**

MAY 12 1992

CITY CLERKS

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1493 Upper James Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G/S-1069a"

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Car Dealership

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a car dealership. The owner has a zoning application (ZA-91-56) which is at a draft by-law stage and this draft by-law will be held in abeyance pending approval of site plans for the car dealership proposal. Lot Size 165.00' x 493.11'

The owner of the property as per the demolition permit application is:

John LeCluse  
925 Main Street West  
Hamilton, Ontario L8S 4P3  
Telephone Number: 523-0302







C.L.C.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**RECEIVED**

**DATE:** 1992 May 8

MAY 12 1992

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

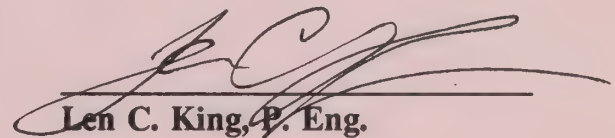
CITY CLERKS

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1499 Upper James Street - Tag Number 86497

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1499 Upper James Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G/S-1069a"

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Car Dealership

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a car dealership. The owner has a zoning application (ZA-91-56) which is at a draft by-law stage and this draft by-law will be held in abeyance pending approval of site plans for the car dealership proposal. Lot Size 165.00' x 493.11'

The owner of the property as per the demolition permit application is:

John LeCluse  
925 Main Street West  
Hamilton, Ontario L8S 4P3  
Telephone Number: 523-0302

c.c. 92.2.4.2.1.A







**CITY OF HAMILTON**

**- RECOMMENDATION - RECEIVED**

MAY 12 1992

CITY CLERKS

**DATE:** 1992 May 8

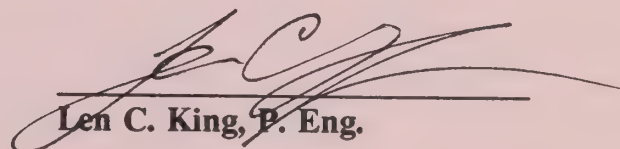
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1517 Upper James Street - Tag Number 86493

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1517 Upper James Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G/S-1069a"

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Car Dealership

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in poor condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a car dealership. The owner has a zoning application (ZA-91-56) which is at a draft by-law stage and this draft by-law will be held in abeyance pending approval of site plans for the car dealership proposal. Lot Size 95.50' x 483.71'

The owner of the property as per the demolition permit application is:

John LeCluse  
925 Main Street West  
Hamilton, Ontario L8S 4P3  
Telephone Number: 523-0302







CITY OF HAMILTON

- RECOMMENDATION -

C.L.G.)  
RECEIVED

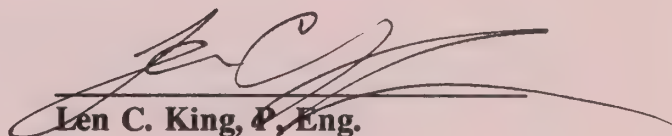
MAY 12 1992

CITY CLERKS

**DATE:** 1992 May 8  
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee  
**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner  
**SUBJECT:** Demolition of:  
1523 Upper James Street - Tag Number 86490

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1523 Upper James Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G/S-1069a"

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Car Dealership

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a car dealership. The owner has a zoning application (ZA-91-56) which is at a draft by-law stage and this draft by-law will be held in abeyance pending approval of site plans for the car dealership proposal. Lot Size 66.00' x 1.190 acres

The owner of the property as per the demolition permit application is:

John LeCluse  
925 Main Street West  
Hamilton, Ontario L8S 4P3  
Telephone Number: 523-0302







D.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**RECEIVED**

MAY 13 1992

**CITY CLERKS**

**DATE:** 1992 May 13

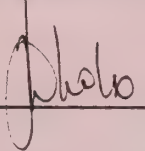
**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

**SUBJECT:** North End East and West Neighbourhoods;  
Amendment to the Community Improvement Project Area

**RECOMMENDATION:**

- a) That By-law No. 92-054 designating portions of the North End East and West Neighbourhoods as a Community Improvement Project Area for the purpose of implementing the P.R.I.D.E. Anti-Recession Programme be amended as per the map attached as Schedule 'A'; and,
- b) That the Law Department be authorized to prepare the necessary By-law to amend the North End East and West Community Improvement Project Area in accordance with (a) above.

  
\_\_\_\_\_  
D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

This amendment is required in order to include all of the proposed Project elements within the boundaries of the Community Improvement Project Area.



**BACKGROUND:**

On 1992 February 11 City Council adopted By-law No. 92-054 designating portions of the North End East and West Neighbourhoods as a Community Improvement Project Area. Upon further review, it has been determined that some of the improvements proposed lie outside of this Project Area and, in accordance with the Planning Act, Sub-Section 28(2), all improvements must be contained within the Community Improvement Project Area. This Project Area is being designated in anticipation of a P.R.I.D.E. Anti-Recession Programme grant through the Ministry of Municipal Affairs, Community Development Branch. Once funding has been allocated by the Ministry of Municipal Affairs, reports will be forwarded to the Planning and Development Committee and to the Parks and Recreation Committee with a specific outline of projects proposed and the accompanying Community Improvement Plan to be adopted. A Public Meeting will be held in the near future to gain public input regarding these proposed improvements and the Plan prior to Council approval.

 JMcN:bk  
Atch.

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

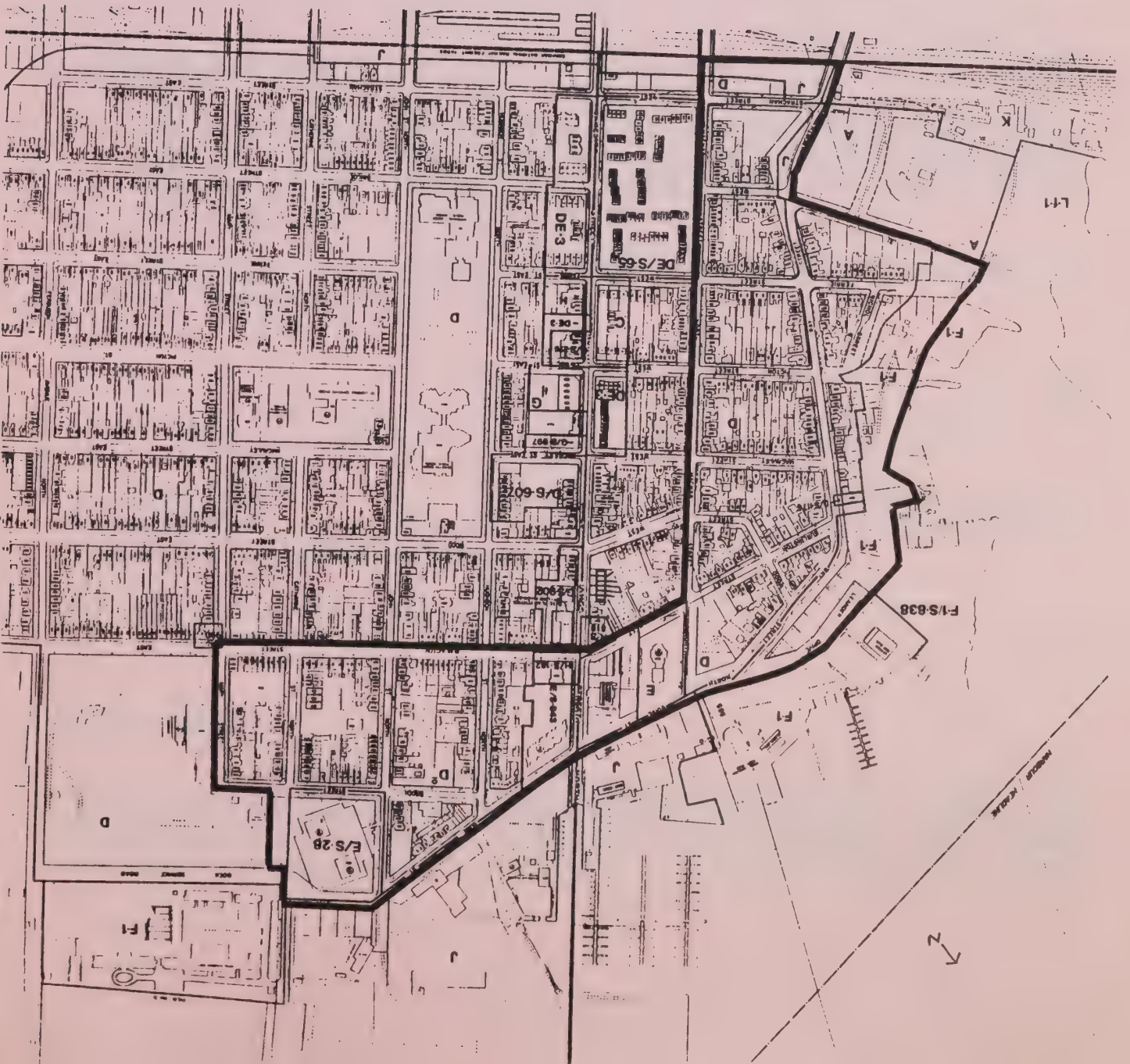
Mr. K. Christenson, Secretary  
Parks and Recreation Committee

Mr. C. Firth-Eagland, Superintendent of Parks Development and Maintenance Section  
Public Works Department

Mr. B. Chrystian, Manager  
Parks Development - Public Works



**NORTH END EAST AND WEST COMMUNITY  
IMPROVEMENT PROJECT AREA**









L(a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**RECEIVED**

**DATE:** 1992 May 13  
(P5-7-3)

MAY 13 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

CITY CLERKS

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

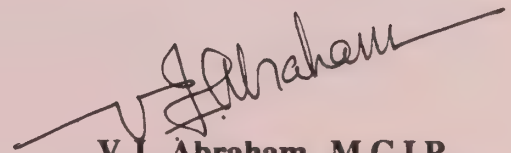
**SUBJECT:** Federal Environmental Assessment Process - Radio Station  
Antennae

**RECOMMENDATIONS:**

1. That the Planning and Development Committee recommend to City Council that the comments contained in the report "City of Hamilton Comments on Environmental Assessment Process Associated with Spectrum Management Activities", attached herewith and marked Appendix "A", be endorsed; and,
2. That the City Clerk be directed to advise the Federal Minister of Communications of City Council's endorsement.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

On March 11, 1992, the Minister of Communications released a circular entitled "Environmental Assessment Process Associated with Spectrum Management Activities". The circular outlines the process proposed for reviewing requests for new radio station licenses pertaining to the location of radio station antenna(e). The environmental assessment process



is proposed to address the following:

- a) compliance of the proposal with the maximum non-ionizing radiation limits (established by the Federal Government);
- b) the effects of the proposal upon the flora and fauna; and,
- c) land use concerns.

The document outlines the process required by the applicant with respect to land use concerns. The process requires the applicant to consult with the municipality to ensure that the municipality's concerns are addressed (in terms of the control of land use - Official Plans, Zoning, and Site Plan Approval) relating specifically to the placement of radio antennae.

In essence, the main concern regarding the proposed process lies in the fact that the applicant is responsible for either consulting with the municipality or dealing with any consequences that may arise should the applicant fail to consult with the municipality. The municipal consultation process with the municipality may be by-passed, thereby subjugating the land-use regulatory authority of the municipality. It is recommended that the non-consultation option be removed from the process.

An outline of the consultation process, along with specific comments on the process, are contained in APPENDIX "A".

#### **CONCLUSION:**

On the basis of the foregoing, it would be appropriate that a copy of this report and the attached comments be forwarded to the Minister of Communications.

MLT:dkp



## APPENDIX "A"

### COMMENTS ON THE CONSULTATION PROCESS

#### 1. Description of the Policy for Consultation

In applying for a radio license, an applicant must successfully undertake the Federal Environmental Assessment Process, specifically in addressing the placement of the antenna and antenna structures related to the radio operation. One component of the process places the onus on the applicant to consult with the local municipality (or land-use authority) to provide the municipality with "an opportunity to comment on a proposed antenna structure and site". The applicant then provides the Federal Ministry of Communications with a statement (on a form letter supplied by the Minister) that the municipality has been consulted.

If, during the consultation process, the applicant and the municipality cannot agree, both parties are to submit to the Federal Government their respective concerns and positions. The final decision will be rendered by the Minister of Communications.

It should be noted that the proposed policy does not require the applicant to consult with the municipality. In fact, the proposed policy clearly states that the applicant will have to bear any and all consequences for not consulting with the municipality (up to and including revocation of the license issued). The required statement from the form letter to be submitted to the Minister contains an option of "non-consultation" on the part of the applicant.

#### 2. City of Hamilton Regulations

##### a) **Official Plan**

There are no specific policies in the Official Plan pertaining to radio antenna or structures. However, should the antenna be placed on land designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policy would have to be complied with:

"C.7.1        In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

viii)        Other similar actions or matters as Council may deem appropriate."

##### b) **Zoning By-law**

Under Section 3(4) of the City's Zoning By-law, a radio antenna attached to a principle building is considered to be a use whose height is unrestricted. An antenna not attached to the principle building must meet the setback requirements of the particular zoning district and may be located in the rear



yard only. The height, again, is unrestricted. An antenna located on a vacant lot must be located in accordance with the yard setback requirements of the particular zoning district in which the antenna is located.

3. Comments

Consultation with the municipality involved in the placement of new radio antennae and structures provides municipal officials and Council with an opportunity to have local concerns addressed. For these reasons, the principle of consulting with municipalities can be supported.

However, there are concerns with the specific process proposed by the Federal Government. Although the policy states that the consultation with the municipality is required, the applicant can choose not to do so. In fact, the statement of consultation (required to be submitted with the license application) contains an option in which the applicant may elect not to consult the municipality and bear any consequences of the non-consultation. The provision of this specific option provides every applicant with the opportunity to ignore the municipal land-use regulations by electing not to consult with the municipality. The option of non-consultation cannot be supported.

Therefore, the Federal Government should consider revising the consultation process to remove the option of non-consultation. In this regard, municipal concerns would be addressed prior to the formal application for the license. The advantages to this process are twofold: first, the municipality engages in consultation with the applicant to address any issues that may arise; and, second, both the municipal and federal governments are assured that the land use matters have been taken into account, thereby eliminating the possibility of remedial action after the issuing of the license (which can be both costly and time consuming).

4. Conclusion

On the basis of the foregoing, it would be appropriate to request the Federal Ministry of Communications to revise the consultation process to incorporate the above concerns.



E(b)

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 1992 May 14

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Proposed Draft Plan of Condominium

**RECOMMENDATION:**

That approval be given to application 25CDM-91002, Angelo Giacomelli, et. al., owners, to establish a draft plan of condominium located on the south side of Homewood Avenue, east of Dundurn Street South, subject to the following:

That the approval apply to the plan prepared by A. J. Clarke and Associates Limited dated April 9, 1991, showing a 4-plex building and 4 parking garages.

---

J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

---

V. J. Abraham, M.C.I.P.  
Director  
Local Planning Branch



Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Comments from Circulation:

Departmental comments received were based on an earlier Site Plan Control Application to which the proposed condominium plan did not comply. A subsequent Site Plan Control Application was approved subject to certain variances being approved by the Committee of Adjustment. The required variances have now been approved, therefore, the proposed condominium plan is now in compliance with the approved site plan.

The Regional Department of Engineering (now the Environmental Services Group) has submitted the following comments and recommendation:

*"For Information*

- 1. Public watermains, storm and sanitary sewers are available on Homewood Avenue to service the proposed development.*
- 2. As the alleyway to the rear of the proposed development is public assumed, any works which may occur within the alleyway, as well as the road allowance, must conform to the City of Hamilton Streets By-law."*

*Recommendations:*

*No conditions are required.*

*The submitted plan, as prepared by A. J. Clarke, O.L.S. and dated April 9, 1991, is satisfactory to this Department."*

Comment:

The proposal can be supported on the basis that the proposed draft plan complies with the amended site plan requirements.

CMD:dc



***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

**Owner:**

Angelo Giacomelli, et. al., c/o New Castle Homes, Ancaster Ontario.

**Surveyor/Agent:**

A. J. Clarke and Associates Limited, Hamilton, Ontario.

**Location:**

The lands, comprising 0.065 ha, are located on the south side of Homewood Avenue, east of Dundurn Street South, in the Kirkendall North Neighbourhood, City of Hamilton.

**Proposal:**

The owner proposes to establish a 4-plex building with a separate 4 garage building as a condominium project.

**Existing Development Controls:**

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Areas" - "Existing Development". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential" - low density apartments. The proposal complies.

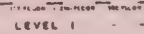
Zoning - the lands are zoned "DE" Low Density Multiple Dwellings. The proposal complies.







U.S. DEPT. OF THE INTERIOR



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100

( LAYOUT REVERSED FOR UNITS 2 AND 3 )



GROUND FLOOR

## BASISMEET

## Scale 1:10000



DRAFT PLAN OF :

RECORDED / COPY FILED  
MAY 1964

ALITY OF HABILITATION -- MENI MORIM  
SCALE 1 100

W. J. E. C. J. J.  
1991

**METRIC.**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES, AND F.A.'S BE  
CONVERTED TO FEET BY DIVIDING BY 3.2808

4	Subnet 0/24	5	Subnet 0/24
9	Subnet 0/24	10	Subnet 0/24

**SURVEYOR'S CERTIFICATE.**

OWNER'S LITERATURE:

2. The results of the analysis of the data are as follows:

LAND USE SCHEDULE

✓ 661A, NUMBER OF WIT'S: 4  
✓ 661A, NUMBER OF PARADES: 4  
✓ 661A, NUMBER OF PARADES: 4

[illegible]

ONTARIO LAND SURVEY  
ONSHAWING (MONTGOMERY)







F. (2)

**CITY OF HAMILTON**

**- INFORMATION -**

**DATE:** 1992 May 12

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** P. Noé Johnson  
City Solicitor

**SUBJECT:** ADULT VIDEO STORES

**RECEIVED**

MAY 13 1992

CITY CLERKS

**BACKGROUND:**

At its meeting of May 6, 1992, the Committee received a verbal report on the ability of the City to zone for adult video stores. A request for made for a written report on the matters discussed.

**DISCUSSION:**

The City may control land use by adult video stores, but cautions were expressed. A survey found some cities have exercised their powers to zone for adult video stores or adult entertainment parlours (a definition which generally includes adult video stores). The stores were generally allowed in commercial zones, with some by-laws being more restrictive. One caution involves the use of "adult" to single out stores with films containing explicit sex or nudity. These stores may number in the hundreds, not just the few which use a name or advertising suggesting a specialty in adult videos. Most video stores have some adult video's, partly because of widely available films. Planning staff also suggested a lack of distinction between regular and adult video stores when looking at land use and planning concerns. Zoning amendments directed at all video stores would add only the relatively few stores which do not have adult videos.

Public concerns were raised over the content of videos and children's access. Video stores are licensed and regulated by the province, and the content of movies is rated or banned. Stores are prohibited from renting or selling "R" rated movies to minors. Criminal laws on obscenity apply regardless of whether the film is provincially approved. Fines, imprisonment and licence revocations are all possible under these laws.

All video stores meeting the "adult" definition would be treated equally under a by-law. Most existing stores would meet the definition by having common "R" rated movies. "R" ratings are given by the Ontario Film Review Board for any combination of explicit sex, nudity, strong language, violence and adult themes. There is no official rating such as "X" or "XXX". Convenience and other stores also rent videos, and commercial landlords having video stores as tenants, or having a vacancy could be affected as well. Public meetings on the zoning amendments would be part of the process, allowing existing video businesses and others to question the effect of any proposed change to land uses.







P.(6)

**CITY OF HAMILTON**

**- INFORMATION -**

RECEIVED

MAY 12 1992

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CITY CLERKS

**DATE:** 1992 May 11

**REPORT TO:** T. Agnello, Secretary  
Planning and Development Committee

**FROM:** J. Thoms, Commissioner  
Planning and Development Department

**SUBJECT:** Approved Site Plan Control Application.

**BACKGROUND:**

The following Site Plan Control Application has been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-08 - 297 Mohawk Road East

JPS/ma  
SPC.INF







3.1

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**RECEIVED**

MAY 14 1992

CITY CLERKS

**DATE:** 1992 May 11

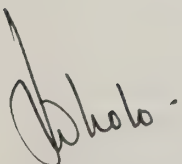
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo.  
Acting Director of Public Works

**SUBJECT:** Central/Beasley Programme for Renewal, Improvement,  
Development and Economic Revitalization - Housing  
Intensification (PRIDE H.INT.) - Addendum to the  
Community Improvement Plan.

**RECOMMENDATION:**

- a) That the originally approved Community Improvement Plan for the Central/Beasley Community Improvement Project Area be modified by approving the Addendum, attached as Schedule 'A' to implement the PRIDE Housing Intensification (PRIDE H.INT.) Program; and,
- b) That the Addendum to the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
- c) That the City Solicitor be authorized and directed to prepare the requisite By-law.



Mr. D. Lobo, Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The total cost of the Central/Beasley PRIDE H.INT. Programme is one million four hundred and forty thousand dollars (\$1,440,000.) (50% Municipal and 50% Provincial) which was financed as part of the 1991-1995 Capital Budget (Account Centre No. CF 429102003).



**BACKGROUND:**

Since October 1991, Municipal staff have been meeting with the Central/Beasley PRIDE H.INT. Citizens' Advisory Committee to draft the Addendum to the Community Improvement Plan for the Central/Beasley Community Improvement Project Area. The Addendum to the Community Improvement Plan must be written and adopted by City Council and the Ministry of Municipal Affairs, Community Development Branch in order to implement the Central/Beasley PRIDE H.INT. Programme. A Public Meeting was held 1992 April 08 to receive citizens' input at which no changes were made to the Addendum.

c.c. Ms. P. Noe Johnson, City Solicitor  
Law Department



**MISSION STATEMENT:**

The Community Improvement Plan and this Addendum have been created in order to make the Community Improvement Project Area a better place to live for existing and future residents and give the residents a sense of ownership and pride.

**BACKGROUND:**

Through the 1991-1993 Central/Beasley PRIDE Programme, with a total allocation of \$627,000. (50% Municipal, 50% Ministry of Municipal Affairs, Community Development Branch), the City of Hamilton, in conjunction with a Citizens' Advisory Committee (C.A.C.) are carrying out a number of improvements in the Community Improvement Project Area that will add to the quality of life for the residents. To date, McLaren Park has been redeveloped, lights have been installed to illuminate the pathway of St. Mary's Church and, construction of Beasley Park is expected to commence in the Spring of 1992. A Beasley Neighbourhood Association has been formed by the efforts of members of the Central/Beasley PRIDE C.A.C. A Central Neighbourhood Association is anticipated to be formed this year. The formation of Neighbourhood Associations was a goal identified in the original Community Improvement Plan.

A second allocation of \$1,440,000. (50% Municipal, 50% Ministry of Municipal Affairs, Community Development Branch) is now available. An Addendum to the original Community Improvement Plan for the purpose of implementing the 1992-1994 Central/Beasley PRIDE H.INT. Programme is therefore required identifying additional goals and objectives for the Community Improvement Project Area. PRIDE H.INT. is a tool to implement these goals. Through the implementation of these goals and objectives, the impact of housing intensification on the neighbourhood will be offset, and will provide the basis to attract and contend with future residential projects.

Given the socio-economic demographics of the two neighbourhoods, the Central/Beasley PRIDE H.INT. C.A.C. intends to earmark projects for funding to encourage beautification, stabilization and rehabilitation in the Project Area.

The efforts of this Committee will encourage families to buy in the area, undertaking the private property repairs, renovations and infilling that will contribute to the rejuvenation and reconstitution of viable and vibrant neighbourhoods in the downtown core.

Through the policies of the neighbourhood plans both neighbourhoods within the project area are designated for the conservation of low rise housing. The C.A.C. intends to support this type of housing within the Community Improvement Project Area because it is of the scale, density and design sympathetic with the existing housing stock in the area.

Beyond the conclusion of the PRIDE and PRIDE H.INT. Programmes and the expenditure of these funds, it is hoped that City Council will endeavour to find other sources of funding to ensure the complete implementation of this Community Improvement Plan.

**FORMAT/SCOPE**

The following Addendum to the Central/Beasley PRIDE Community Improvement Plan identifies the goals, objectives and resultant actions of the Central/Beasley PRIDE H.INT. C.A.C. - All schedules and appendices do not form part of this Plan.



**ADDENDUM TO THE CENTRAL/BEASLEY**  
**COMMUNITY IMPROVEMENT PLAN**

**GOAL ONE**

**ADDRESS PROBLEMS CREATED BY ABUTTING INCOMPATIBLE USES**

**Objective 1.1**

Buffering of warehouse/storage/industrial/commercial uses from residential.

**Action 1.1.1**

Identify and approach owner(s) of storage/warehouse/industrial/commercial properties surrounding McLaren Park and encourage to fence off and/or buffer their property from the Park and road allowance.

**Action 1.1.2**

Negotiate with Bell Canada to cost share on the buffering of their site at Park and Mulberry Streets.

**Action 1.1.3**

Identify and approach owner(s) of storage/warehouse/industrial/commercial properties and encourage to fence and/or buffer their property.

**Objective 1.2**

Buffering of parking lots to minimize negative visual impact on street.

**Action 1.2.1**

Request the Parking Authority to provide appropriate landscaping around the perimeter of their parking lots.

**Action 1.2.2**

Identify owners of private parking lots and request that they provide appropriate landscaping around their parking lots.

**Action 1.2.3**

Request negotiations with CN to cost share the buffering of their parking lot at Murray and Hughson Streets.



### **Objective 1.3**

Identify cost sharing possibilities between Owner/Municipality/Senior Government funding.

#### **Action 1.3.1**

Prepare a list of property owners that have the potential for landscaping and buffering treatments.

#### **Action 1.3.2**

Approach property owners as per Action 1.3.1 with a view to cost-sharing i.e. Industrial Roadside Beautification Programme and/or PRIDE H.INT.

### **Objective 1.4**

Create dialogue between the City of Hamilton and warehouse/storage/industrial/commercial property owners and operators to encourage landscaping and buffering of their properties.

#### **Action 1.4.1**

Establish a task force of members from the PRIDE HINT C.A.C., Neighbourhood Associations and staff to both identify and meet/negotiate with warehouse/storage/industrial/commercial property owners with a view to reaching an agreement for cost sharing of landscaping/buffering and report same to the PRIDE HINT C.A.C.

### **Objective 1.5**

Recommend that a study be implemented respecting the feasibility of enforcing stricter guidelines for landscaping associated with new development.

#### **Action 1.5.1**

Recommend that the Planning Department be encouraged to set-up specific guidelines for landscape design and buffering for warehouse/storage/industrial/commercial uses within the neighbourhoods.

### **Objective 1.6**

Encourage reuse of existing or unused warehouse/storage/industrial/commercial buildings for residential purposes.

#### **Action 1.6.1**

Encourage the Building Department to **PROMOTE** the available loan programmes for the purpose of converting unused storage/warehouse/industrial/commercial to residential use.



**Action 1.6.2**

Encourage the Municipal Non-Profit Housing Corporation to utilize warehouse/storage/industrial/commercial space for conversion to residential use as part of its strategy to provide affordable housing in the lower city area.

**Action 1.6.3**

Request that the Planning Department through the Neighbourhood Plan Review identify vacant housing stock and warehouse/storage/industrial/commercial buildings that are suitable for residential use, with a view to provide additional housing quality stock from existing.

**GOAL TWO**

**With Reference to Goal Three of the Original Community Improvement Plan - Increase Public Safety and Security**

**Objective 2.1**

Make the neighbourhood more accessible for people with disabilities.

**Action 2.1.1**

Identify insufficient approaches with the aim to provide wheelchair ramps throughout the neighbourhood.

**Action 2.1.1.2**

Invite a representative from Wheelchair Ramping Sub-Committee to a PRIDE HINT CAC meeting.

**Action 2.1.1.3**

Send a letter to the Regional Roads Department advising of the Committee's concern with respect to the design of the existing approach/sidewalk and potential safety.

**Objective 2.2**

Upgrade level of lighting throughout the Community Improvement Project Area.

**Action 2.2.1**

Identify areas that have high traffic i.e. church/parks/schools/hospitals/commercial.



**Action 2.2.2**

Identify residential areas with inadequate lighting.

**Action 2.2.3**

Liaise with Hamilton Hydro Electric System to identify their ongoing initiatives such as the Street Lighting Conversion Programme, in the neighbourhood which will help to co-ordinate redevelopment initiatives.

**Action 2.2.4**

Explore feasibility of installing traditional lighting in neighbourhoods.

**Action 2.2.5**

Take advantage of Hydro's grant programme for the conversion of high pressure sodium lighting.

**Objective 2.3**

Improve alleyways respecting safety and pedestrian/bicycle linkage.

**Action 2.3.1**

Install lighting in alleyways where appropriate.

**Action 2.3.2**

Ensure entranceway of alleyways are well lit from street.

**Objective 2.4**

Increase safety in parks

**Action 2.4.1**

Request Regional Roads Department to review existing lighting levels in parks and upgrade as requested.

**Action 2.4.2**

Request Parks Division to prune trees from ground up, where potential problems of security have been identified.

**Action 2.4.3**

Meet with Regional Police to identify potential problem areas in existing parks. Request an increase of police patrol within the Central and Beasley neighbourhoods. Request crime statistics for the two neighbourhoods.



**Action 2.4.4**

Review existing parks for the purpose of identifying areas where wheelchairs, baby carriages and people with disabilities may have difficulty accessing and using facilities in the park with a view to correct these deficiencies

**Objective 2.5**

Establish a Neighbourhood Watch.

**Action 2.5.1**

Invite the Community Services Section of the Police Department to a CAC meeting to educate on Neighbourhood Watch programme (as per Action 3.1.2. of the original Community Improvement Plan).

**Action 2.5.2**

Through the Neighbourhood Association establish a Neighbourhood Watch in Beasley .

**Action 2.5.3**

Through the Neighbourhood Association establish a Neighbourhood Watch in Central.

**Objective 2.6**

Improve Traffic/Pedestrian Safety in the Community Improvement Project Area.

**Action 2.6.1**

Request the Traffic Department to install traffic signal lights at Cannon Street and Ferguson Avenue.

**Action 2.6.2**

Identify "safe" pedestrian/bicycle routes within the Community Improvement Project Area and make recommendations through the Region and City (co-ordinate through Culture and Recreation Department).

- i) Invite the Region's bicycle study consultant Victor Ford to a CAC meeting.

**Action 2.6.3**

Identify other areas of concern for pedestrian safety and report these to the Traffic Department for possible action.



### **GOAL THREE**

#### **ENHANCE EXISTING RECREATIONAL AND SOCIAL SERVICES**

##### **Objective 3.1**

Encourage the Culture and Recreation Department to establish a community centre in proximity to the proposed housing development at Ferguson and Cannon i.e. within Beasley Park.

##### **Action 3.1.1**

Recommend to the Culture and Recreation Department that the parks building at Beasley Park be renovated for the use of the Beasley Neighbourhood Association.

##### **Action 3.1.2**

The Neighbourhood Association work with the Culture and Recreation Department to provide programming in both Beasley and McLaren Parks.

##### **Action 3.1.3**

Upgrade the storage and washroom facility at McLaren Park adjacent to Robert's Village, a residential complex.

##### **Objective 3.2**

Identify potential park sites within the Community Improvement Project Area.

##### **Action 3.2.1**

That staff from the City of Hamilton and the Central/Beasley PRIDE HINT CAC carry out a physical inventory of available park space within the Central and Beasley portion of the Community Improvement Project Area.

##### **Action 3.2.2**

If feasible use PRIDE HINT funding to develop a park within the Central portion of the Community Improvement Project Area.

##### **Objective 3.3**

Enhance facilities available at Beasley Park due to the residential demand relative to the development of housing on the Carter lands.

##### **Action 3.3.1**

Install a spray pool at Beasley Park



**Action 3.3.2**

Request that the City acquire Lockwoods Motors to expand Beasley Park to front on to Ferguson Avenue.

**Action 3.3.3**

Provide additional seniors recreational services at Beasley Park.

**Action 3.3.4**

Review the possibility of a bandstand in Beasley Park.

**Objective 3.4**

Create an inventory of existing social services and create an awareness in the community of services available to the public.

**Action 3.4.1**

Request Regional Social Services to provide a list of the social service agencies within the neighbourhood.

**Action 3.4.2**

Suggest dispersion of social service agencies to be spread more equitably throughout the City.

**Objective 3.5**

Identify and meet with social service providers with a view to enhance services required within the Community Improvement Project Area.

**Action 3.5.1**

Neighbourhood Association to work with social service agencies to determine whether adequate services are available.

**Action 3.5.2**

Neighbourhood Association encourage agencies to modify/expand/reduce programmes available.

**Action 3.5.3**

Identify the problems associated with the provision of services i.e. homeless people loitering in parks. Work closely with local government or appropriate agencies for remedies to the situation.



## **GOAL FOUR**

### **IMPROVE HARD SERVICES WITHIN THE COMMUNITY IMPROVEMENT PROJECT AREA**

#### **Objective 4.1**

Request the City and Region to review sidewalks/roads/sewers and water services with a view to upgrade these facilities as required.

##### **Action 4.1.1**

Pinpoint areas of concern within the community and provide to the Regional Municipality.

#### **Objective 4.2**

Identify key shortfalls in hard services that require immediate attention relative to new and future residential development.

##### **Action 4.2.1**

By participating in committees and by monitoring development proposed or occurring in the neighbourhood, the Neighbourhood Association will be able to lobby local government to ensure that a comprehensive approach to development occurs i.e. develop sympathetic to the neighbourhood i.e. landscaping, buffering, recreational services, lighting.

#### **Objective 4.3**

Work in partnership with developers to improve hard services adjacent to their developments in order that cost sharing can be met and PRIDE HINT funds maximized.

##### **Action 4.3.1**

By participating in local government planning activities, the Neighbourhood Associations can get to know developers and through this relationship can encourage that sustainable/sympathetic development occurs as in Action 4.2.1. above.

#### **Objective 4.4**

Encourage/support the reconstruction of Ferguson Avenue and removal of CN Tracks.



**Action 4.4.1**

As part of the planning process for Ferguson Avenue, the Central Beasley PRIDE HINT CAC will have the ability to make recommendations regarding development of the street.

**Action 4.4.2**

Maximize all **OTHER** funding for Ferguson Avenue development including the City of Hamilton's Capital Budget, CN Rail, abutting developers.

**Action 4.4.3**

Recommend to the Planning and Development Committee and the Transport and Environment Committee that residents abutting Ferguson Avenue not be penalized under the Local Improvement Act.

**Action 4.4.4**

The PRIDE H.INT. C.A.C. recommend the beautification of Ferguson Avenue.

**Objective 4.2.4. (to expand on original CIP)**

Carry out tree planting programme throughout entire neighbourhood to improve air quality.

**Action 4.2.4.1**

City of Hamilton to **ACTIVELY PROMOTE** a tree planting programme and, if necessary use PRIDE HINT funds.

**Action 4.2.4.2**

Encourage the Planning Department to incorporate landscape guidelines for older residential areas with the aim to preserve the existing trees.

**Objective 4.5**

Identify appropriate locations for potential placement of litter containers and benches.

**Action 4.5.1**

The PRIDE HINT C.A.C., in conjunction with the Consultant services, to identify problem or key areas for the placement of litter containers and benches.



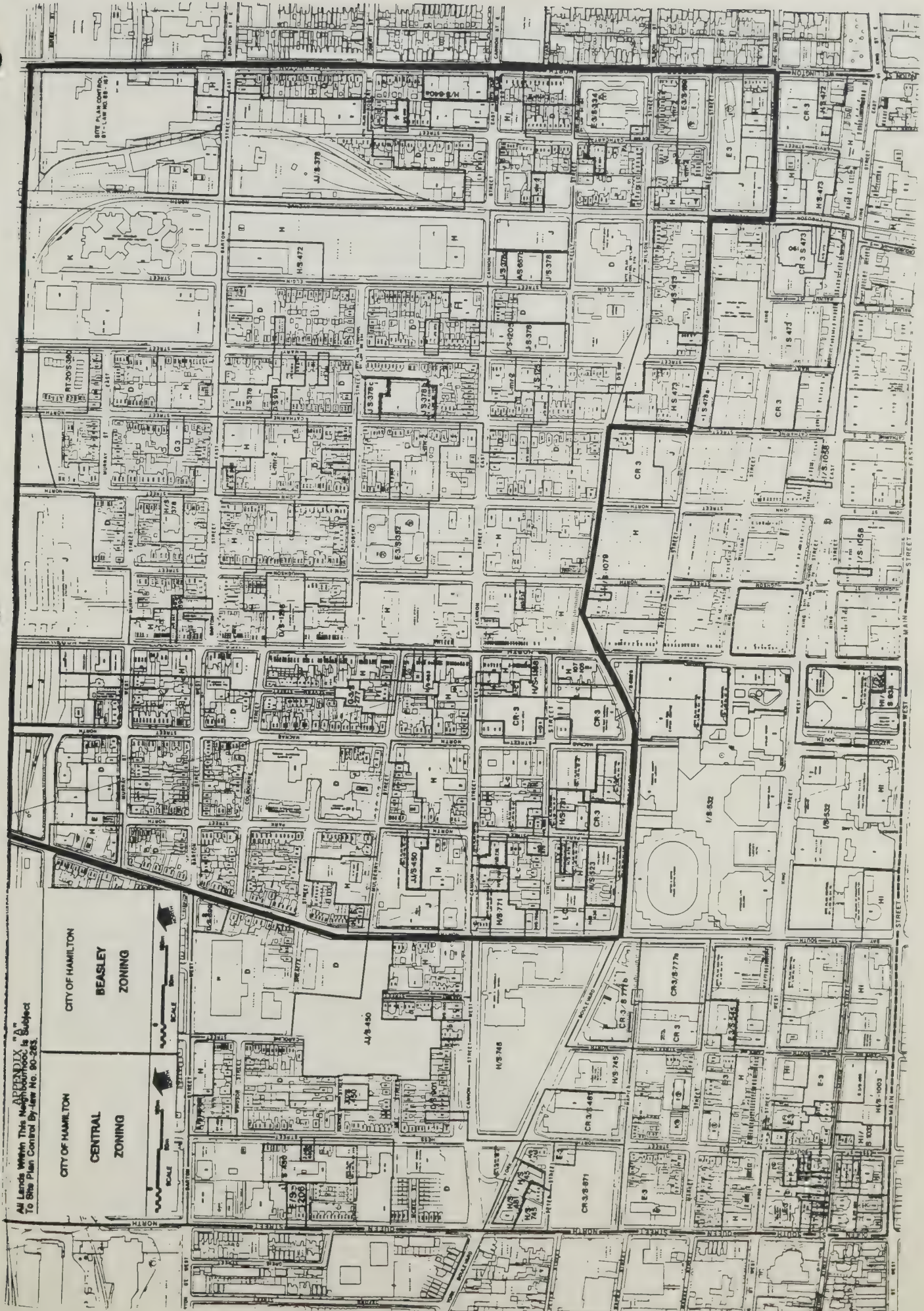
APPENDIX "A"  
All Lands Within This Neighbourhood is Subject  
To Site Plan Control By-law No. 80-263.

CITY OF HAMILTON

CENTRAL  
ZONING

CITY OF HAMILTON

BEASLEY  
ZONING









4.1

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 May 14

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

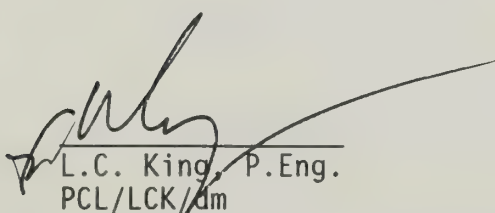
**FROM:** Mr. L. King, Chairman  
Cash-in-lieu of Parking Committee

**SUBJECT:**

Cash-in-Lieu of Parking -  
1012 King Street West (92.4.2.1.A)

**RECOMMENDATION:**

That the application by John Monaco and Angelo Dionissopoulos for the building at 1012 King Street West for payment of cash-in-lieu for twelve parking spaces be denied.



L.C. King, P.Eng.  
PCL/LCK/dm

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The applicants have made application under Section 39 of The Planning Act for payment of cash-in-lieu for twelve spaces in order to permit a 68-seat restaurant at 1012 King Street West. The existing building is located in a "G" district zoning and the site can not provide any of the twelve parking spaces required by Zoning By-law #6593.



The Cash-in-Lieu of Parking Committee received the submission and recommended denial of the application for the following reasons:-

- 1/ The current parking area in the commercial district is at capacity and cannot accommodate additional vehicles.
- 2/ The Hamilton Parking Authority has no plans to establish municipal parking in the immediate vicinity of the proposal.
- 3/ The demand for commercial parking space will result in a spill-over into the adjoining residential districts.
- 4/ Land use and traffic objectives are not satisfied.

For the information of the Committee, the cost of cash-in-lieu for the twelve parking spaces has been established at \$102,000.



"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 May 15".

ANTHONY WELLENREITER

*Baristers, Solicitors, Notaries Public*

4.1 a)

ANTHONY WELLENREITER, LL.B. O.C.

PETER A. BREWER, B.COMM. LL.B.

RASTRICK HOUSE, 46 FOREST AVENUE  
HAMILTON, ONTARIO  
L8N 1X1

TELEPHONE 525-4520  
AREA CODE 416  
FAX 525-7943

May 1, 1992

Building Department  
The Corporation of the City of Hamilton  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Attention: Mr. L.C. King

Dear Sir:

Re: Our Client: Mr. Jacob Rozencweig  
1012 King Street West  
Our File No. G12354  
Contact Person: Sandra

Further to my telephone discussion with you in the morning of May 1, 1992.

At that time you indicated that on April 30, 1992, you received an application for cash in lieu of parking payment to be made.

As I understand it, the staff of your department and other departments will meet and then representations will be made or submissions will be made to the Planning and Developing Committee. At that committee hearing, which is a public meeting, we would wish to make representations. We would understand other parties are also going to make representations and accordingly, we would believe a half hour at least should be allowed for those representations. We would expect that the residents will be making representations independent of our submissions.

It is also important, therefore, to have a reasonable amount of notice to ensure that interested parties will be present.

Kindly also provide us with a copy of the application and a copy of any report that staff makes so that all parties will be appraised of the respective positions.



ANTHONY WELLENREITER

*Barrister, Solicitor, & Lawer Public*

We do draw to your attention that there is an appeal in progress and that the procedure proposed would be a short-circuiting of the system. This would be an end run at the system. We believe that it is contrary to what is intended by the appropriate legislation.

We look forward to hearing from you.

Yours very truly

  
ANTHONY WELLENREITER

AW:sh



MAY 12 1993

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, L. King, Building Commissioner, Building Department and Alderman D. Drury, Chairperson, Planning and Development Committee B) 1992 May 14"

MAY 8 1993

REF'D

ACTION

Susan Holmes  
Co-spokesperson Ad-Hoc Committee  
Westdale Neighbourhood Association  
175 Dromore Crescent,  
Hamilton, Ont.  
L8S 4B3  
phone: 527-3264

May 6, 1992

Mayor Robert Morrow  
City of Hamilton

re: 1012 King St. West  
Application for relief from parking and cash-in-lieu there of.

Dear Mayor Morrow,

The Westdale Neighbourhood Association has become aware of the application for the cash-in-lieu of parking requested by the proprietors of a restaurant/bar to be established at 1012 King St. West. This is not a viable option to the parking problem as there is no possibility of additional parking without the purchase and demolition of residential areas houses which would be detrimental to the neighbourhood.

An appeal has been made to the Ontario Municipal Board based on the premis that the" parking relief requested is not minor in nature, nor in keeping with the intent of the said by-law nor the Official Plan". An item from the CASH-IN-LIEU OF PARKING Policy reads as follows:

If the variance is other than minor, then no Cash-in-lieu of Parking Policy can be imposed as a condition, in any event.

A decision, on the cash-in-lieu of parking, made by the city before a thorough review of the problem could have an adverse affect on the neighbourhood.

The Traffic and Planning Departments have intimated that the only available parking for this project would be on adjoining residential streets. While the actual property is not residential the parking for this property could only be achieved by encroaching on the surrounding residential area. The CASH-IN-LIEU OF PARKING POLICY states that :

The policy will apply to all areas in the City, except for residential zones.

✓ 1) To clerk  
for P&D Comm.  
+ Ad. Council (Cm)

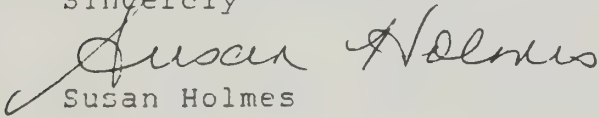
4.1 b)



A decision made to grant cash-in-lieu of parking to the proprietors of 1012 King St. would be contrary to the cash-in-lieu of parking policy as outlined by City Council.

We appreciate you taking the time to read our concerns and trust you to pass these concerns on to the members of the Planning and Development Committee before a decision is made.

Sincerely

A handwritten signature in cursive script that reads "Susan Holmes". The signature is written in dark ink and is positioned above the printed name.

Susan Holmes  
Westdale Neighbourhood Association



4.2

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1992 May 14

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

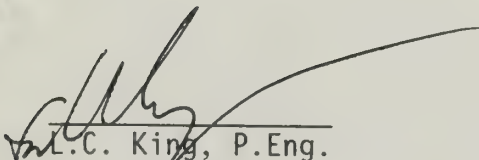
**FROM:** Mr. L. King, P.Eng.  
Building Commissioner

**SUBJECT:** Conveyance of Land for Park Purposes (5% Land  
Dedication) - By-law 84-252 (92.4.4.3, BI-92-04)

**RECOMMENDATION:**

That the Planning and Development Committee recommend to the Council of the City of Hamilton that By-law 84-252 be amended by the addition of Section 7:-

7. Sections 2 and 3 shall not apply to land that is developed for residential purposes, used for non-profit, not-for-gain purposes, and for which people are lodged or housed without remuneration.

  
L.C. King, P.Eng.  
LCK/PCL/dm

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The City will not collect \$33,051.67 from the property at 1510 Main Street West for the 5% land dedication account for these types of facilities which are established as new buildings. At the present time, there has only been one new establishment like this as most these facilities are established within existing buildings.

**BACKGROUND:**

On 1992 April 16, application was made by Ronald McDonald House for an exemption to the 5% Land Dedication Fee for 1510 Main Street West. This application was made due to the fact that the non-profit group developing the Ronald McDonald House had acquired the land from the Region and upon building permit application were charged a 5% Land Dedication Fee of \$33,051.67. At the present time there is no mechanism in the by-law which would allow an exemption for this type of residential use. The group developing the property can not be issued a building permit until payment of the fee is made or the by-law is amended.



The type of development such as Ronald McDonald House is a residential use, however, its primary function is accessory to the institutional use of a hospital. As such, the application of the 5% Land Dedication By-law is not suitable in this case. In order to facilitate the erection of the project, an amendment to the by-law is required in order to exempt this property and other similar type uses where a non-profit group builds residential buildings in which people are housed not-for-gain. This means that people can stay in these units without any charge and that no fee is charged for the people to have overnight accommodation. Other similar uses would be homes for battered women, children's custodial homes, and not-for-gain lodging homes where people are harboured on an overnight and an emergency basis.

c.c.      P. Noé Johnson, City Solicitor  
          A. Ross, City Treasurer  
          J. Pavelka, Acting Chief Administrative Officer



5.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

RECEIVED

MAY 13 1992

CITY CLERKS

**DATE:** 1992 May 11  
CI-92-A  
Jerome Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City Initiative for a change in zoning - lands located at the rear of No. 89  
Stone Church Road East.

**RECOMMENDATION:**

That approval be given to City Initiative 92-A, Regional Municipality of Hamilton Wentworth, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family detached dwellings, in conjunction with the development of adjoining lands to the south, for property located at the rear of No. 89 Stone Church Road East, as shown on the attached map marked as Appendix "A", on the following basis:

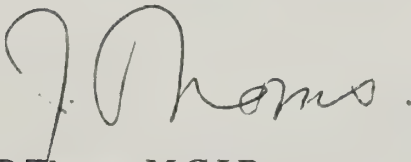
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be Directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



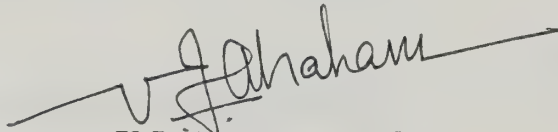
**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning for lands located in the area north of Stone Church Road East, and east of Upper James Street, municipally known as the rear of No. 89 Stone Church Road East, from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the development of the subject lands for single-family detached dwellings, in conjunction with the development of adjoining lands to the south.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Real Estate Department has requested the Planning and Development Department (see APPENDIX "B") to take necessary action to rezone Regionally owned lands at the rear of No. 89 Stone Church Road East, from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. The subject lands and the adjoining lands to the south are to be sold by Public Tender for the purposes of establishing 13 single-family building lots.

**LOT SIZE AND AREA:**

The subject lands are located at the rear of No. 89 Stone Church Road East and have;

- a lot width of 87.32 m (286.49 ft.);
- a lot depth of 48.0 m (157.48 ft.); and,



- a lot area of 0.42 ha (1.04 ac).

The combined site has a lot area of 0.74 ha (1.84 ac).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwelling	"C" (Urban Protected Residential, etc.) District
to the east and west	vacant	"AA" (Agricultural) District

***OFFICIAL PLAN:***

The subject lands are designated RESIDENTIAL on Schedule "A" - Land Use Concept plan of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals



for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Jerome Neighbourhood Plan. The proposal complies.

***COMMENTS RECEIVED:***

- The Building Department has advised that:
  - "1. No concept drawing has been submitted to determine compliance with the Zoning By-Law.
  2. Proposed lots must comply with the requirements of Section 9 of By-Law 6593 ("C" Zoning Districts)."
- The Roads Department has advised that:
 

"There are existing watermains and separate storm and sanitary sewers available to service these lands. We recommend that the subject lands be developed and serviced in conjunction with Effort Gardens Subdivision to the north and that all required streets, midblock collectors, etc. be established to their full width and align centreline to centreline with DiCenzo Drive on the south side of Stone Church Road."
- The Traffic Department, and the Hamilton Region Conservation Authority have no comments or objections.

***COMMENTS:***

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Jerome Neighbourhood Plan.



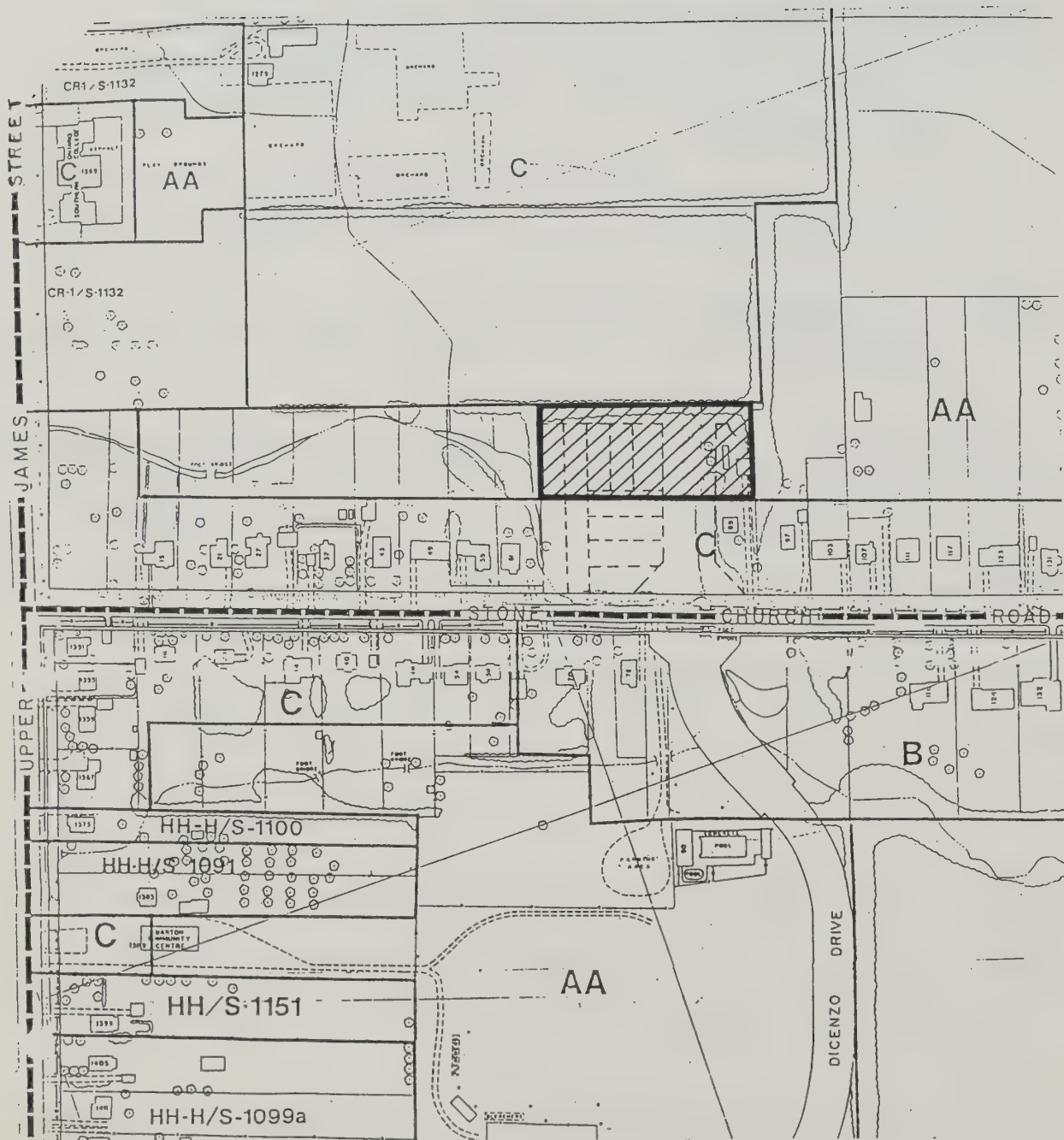
3. The proposal has merit and can be supported for the following reasons:
- it implements the intent of both the Official Plan and the approved Jerome Neighbourhood Plan;
  - it would be compatible with existing and planned single-family development in the surrounding area; and,
  - the requested change in zoning ("C" District) would be appropriate for the proposed development.
3. The Regional Surveyor has prepared a subdivision plan for the subject lands, and the Property Department - Real Estate Division will be selling the lands by Public Tender for single-family building lots.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

GAW/ma  
CI92A





Legend



Site of the Application

CI-92-A

APPENDIX A



CORPORATION OF THE CITY OF HAMILTON  
MEMORANDUM

\*\*\*\*\*

TO:	Mr. V. Abraham Director of Local Planning	YOUR FILE:
FROM:	Mr. M.C.J. Watson Manager, Real Estate Division	OUR FILE: 80.7.30 PHONE: (416) 546-4504
SUBJECT:	Zoning Change - Part of 89 Stone Church Road East from "AA" Agricultural to "C" <u>Single Family Residential</u>	DATE: 1992 February 14

Would you please take the necessary action to process a zoning change for part of the property at 89 Stone Church Road East from "AA" Agricultural to "C" Residential as a Regional Initiative.

The parcel is proposed to be sold by tender for single family residential building lots.

Attached herewith please find a plan showing subject parcel cross hatched in red.

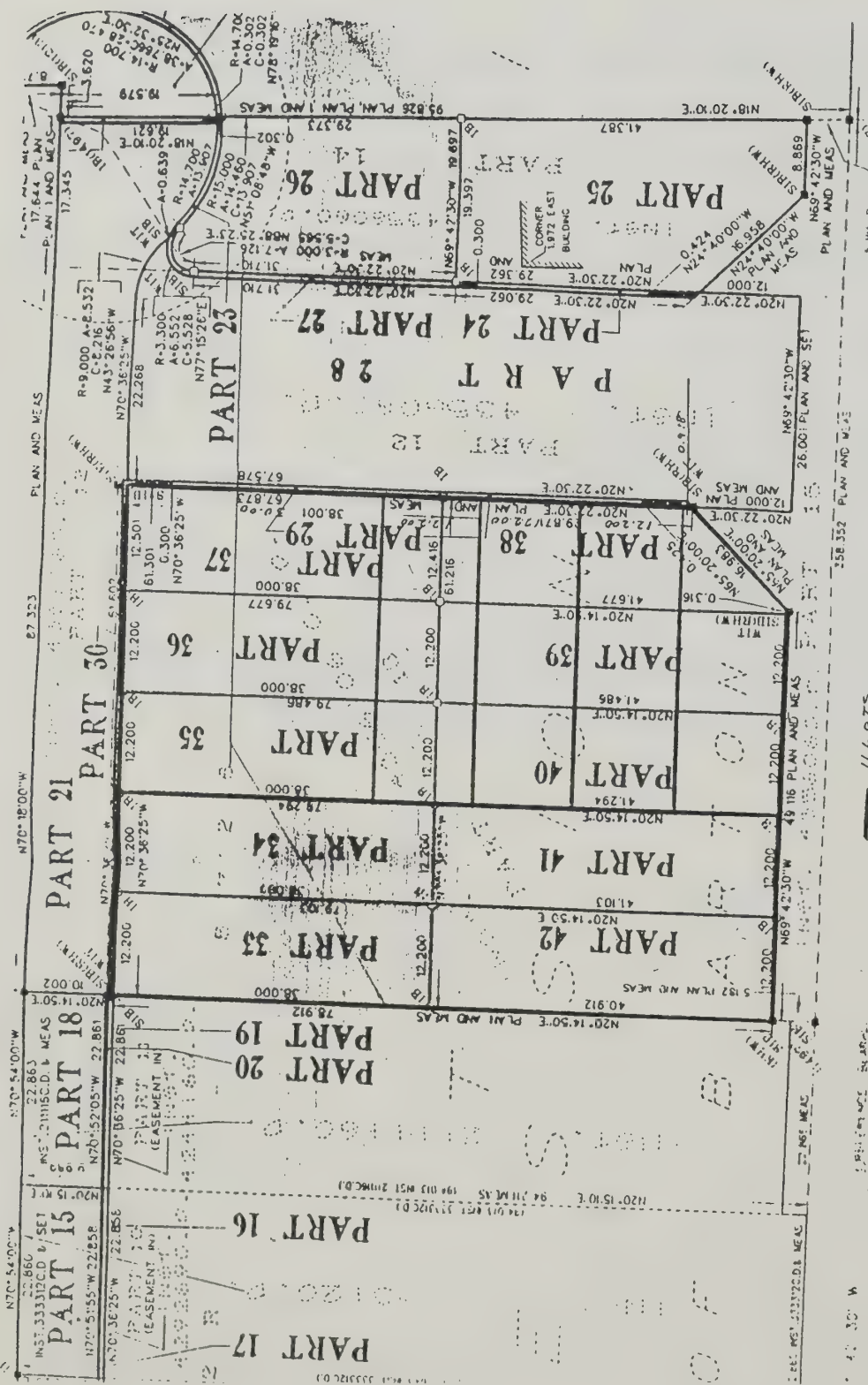
  
M.C.J. Watson

ac  
AC/nb  
Attach.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No		FEB 17 1992		
TO	STAFF	INIT.	INFO	ACT.
DIR.				
P.P.S.A.				
NEIGH.				
DEV.				
F. & UD.				
S.T.A.F.F.				
C.A.P.				
A.C.				

APPENDIX B





STONE CHURCH ROAD EAST  
REGIONAL ROAD N. 7 AND 8  
CONCESSIONS

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:

NOTE



**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** May 13, 1992  
ZA-92-06  
Carpenter Neighbourhood

**RECEIVED**

MAY 13 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

CITY CLERKS

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in Zoning - No. 595 Rymal Road  
West.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 92-06, Lyle & Lorna Hostein, owners, requesting a change in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District to permit the creation of a new lot for a single-family dwelling, for the property located at 595 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District;
- ii) That the "B" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 8(3)(ii) of Zoning By-law No. 6593, a minimum easterly side yard of a width of at least 0.42 m shall be permitted for the existing single family dwelling; and,
- iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-27D be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-27D for presentation to City Council; and,
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

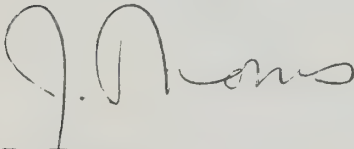
**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District, for the property located at 595 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

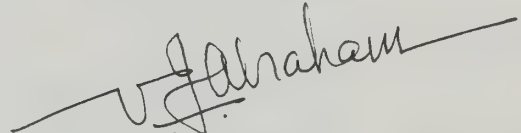


The effect of the by-law is to allow the creation of a new lot for a single-family dwelling fronting onto Rymal Road West for Block "2". In addition, the by-law includes a variance for Block "1" to provide for:

- a minimum easterly side yard of 0.42 m, whereas a minimum of 3.0 m is required for the existing dwelling.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

Upon approval and finalization of the zoning application, the applicant intends to file a land severance application to sever the lands for a single-family dwelling lot on the east side of the subject lands (Block "2"). The existing single-family dwelling will remain on the lands to be retained (Block "1").

- Land Division Application H-132-89

The Land Division Committee, on July 18, 1989 approved an application for consent to convey a vacant parcel at the rear of the subject lands measuring 140 feet by 343.66 feet which was to be added to an adjoining parcel to the west for future development (see Appendix "B").

**LOT SIZE AND AREA:**

- 42.67 m (140.0 ft.) of lot frontage on Rymal Road West;
- 85.344 m (280.0 ft.) of lot depth; and,
- 3598.99 m<sup>2</sup> (38 740.0 square feet) of lot area.

***LAND USE AND ZONING:***

Existing Land Use

Existing Zoning

Subject Lands

Single-Family Dwelling

"AA" (Agricultural) District



### Surrounding Lands

to the north, south, and west	Vacant Land and Residential	"AA" (Agricultural) District
to the east	Single-Family Dwellings	"B" (Suburban Agriculture and Residential, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated *Residential* on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1      In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i)      Provision and maintenance of adequate off-street parking;
  - viii)    Other similar actions or matters as Council may deem appropriate.
- C.7.2      Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3      Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii)    Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.



### **NEIGHBOURHOOD PLAN:**

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the existing and proposed Carpenter Neighbourhood plan. The proposal complies with the intent of the existing Plan and will conform to the proposed Plan.

### **RESULTS OF CIRCULARIZATION:**

- The following Departments and Agencies have no comment or objections:

- Traffic Department;
- Niagara Peninsula Conservation Authority; and,
- TransCanada Pipelines.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road is 36.0 m. As a condition of development approval we recommend that a strip of land 4.894 m in width be dedicated to the Region.

In the absence of any details shown, we advise that any works which may occur within the Rymal Road West road allowance, as widened, must conform to the Region's Roads Use By-law.

The Traffic Department is to comment on access and access design. More specific comments on lot grading, grade changes on Rymal Road etc., will be submitted at such time as the applicant applies for a Land Severance Application to sever the intended lot.

All setback are to be taken from the widened limits of Rymal Road."

- The Building Department has reviewed the application and has forwarded the following comments:

- "1. No survey plan has been submitted showing actual conditions.
2. The application is subject to approval of a severance by the Land Division Committee.
3. The dwelling at 595 Rymal Road West must be provided with a minimum side yard width of 1.2m.
4. The detached garage noted in the application must be provided with a minimum setback of 0.45m to the property line (if affected).
5. The lots must provide a minimum width of 12.0 and a minimum lot area of 360.0 m<sup>2</sup>."



**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
  - i) it represents minor infilling within an established residential area; and,
  - ii) the proposed "B" (Suburban Agriculture and Residential, etc.) District is consistent with the established large lot single-family residential character of the area.
3. The Planning and Development Committee and City Council has in the past approved similar zoning applications (ZA-84-15 and 85-01) to rezone lands at No. 591 and 643 Rymal Road West to "B" (Suburban Agriculture and Residential, etc.) District.
4. The proposed rezoning will require a variance to the "B" (Suburban Agriculture and Residential, etc.) District requirements for the easterly side yard for the existing dwelling. In this regard, a side yard of 0.42 m would be provided, whereas a minimum of 3.0 m is required. This variance can be supported on the basis that:
  - it reflects an existing situation; and,
  - the future development of the easterly lot is likely to take place closer to the Rymal Road frontage than the existing dwelling, therefore any loss of privacy or amenity will be minimized.

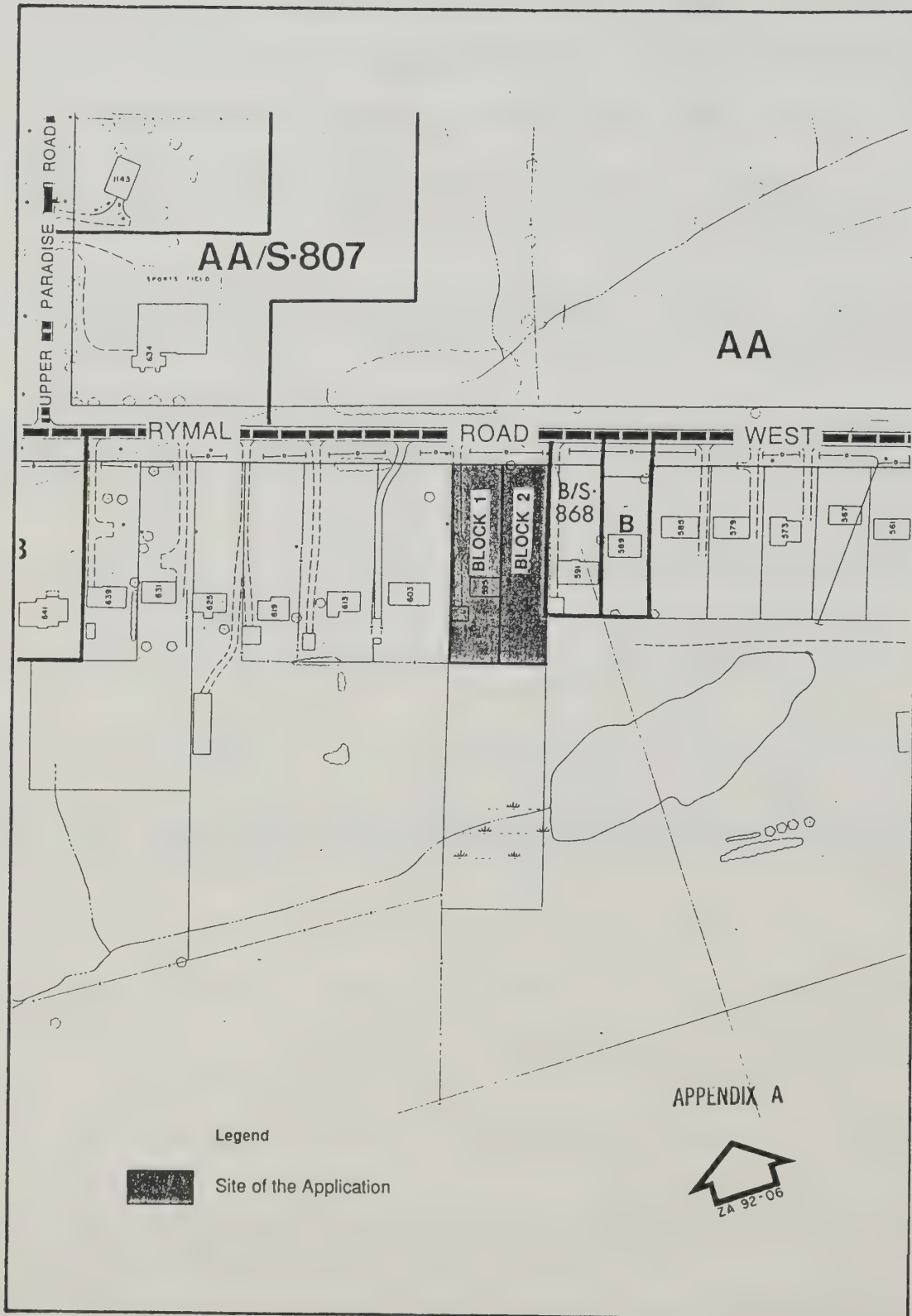
Given the reduced yard on the easterly side of Block "1", the applicant may wish to enter into a maintenance easement at the time the lands are severed.
5. With respect to the Engineering Department comments regarding land dedication for the purpose of a road widening, it should be noted that the appropriate lands could be acquired as a condition of land severance.

**CONCLUSION:**

Based on the foregoing, the amended application can be supported.

JL/CF/ma  
WPAZA9206





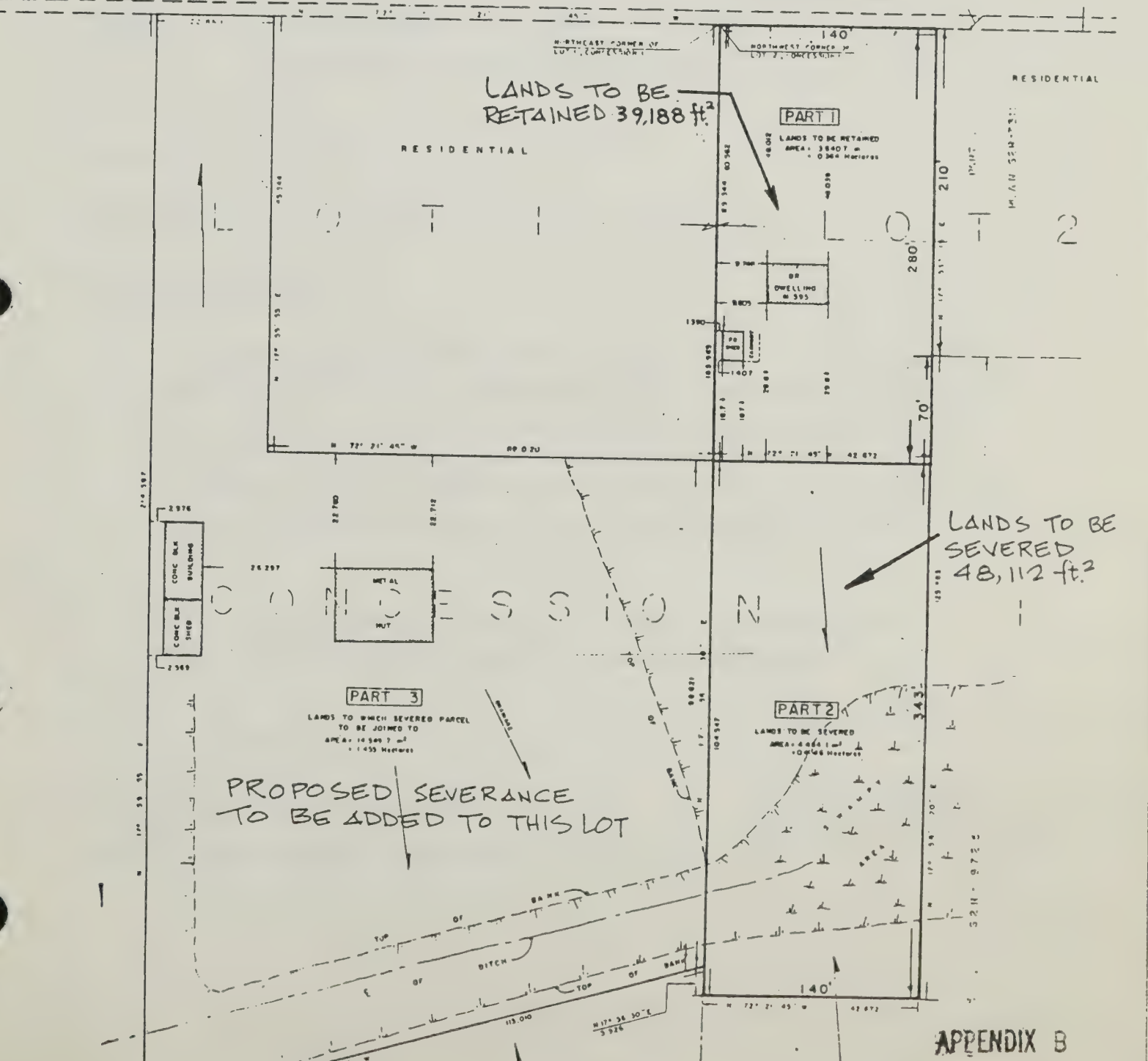


SKETCH FOR LAND DIVISION COMMITTEE  
OF PART OF  
LOTS 1 & 2, CONCESSION 1  
FORMERLY IN THE  
TOWNSHIP OF GLANFORD  
NOW IN THE  
CITY OF HAMILTON



FILE NO.: H-132-89  
DATE: JUNE 15, 89  
SCALE: N.T.S.

(TO UPPER RYMAL ROAD WEST (THE KING'S HIGHWAY NO. 53)  
PARADISE RD.)









7.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** May 13, 1992  
(P5-2-10)  
(P5-2-121)

**RECEIVED**

MAY 13 1992

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**CITY CLERKS**

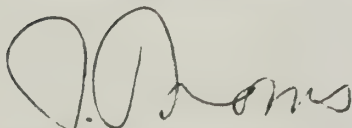
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

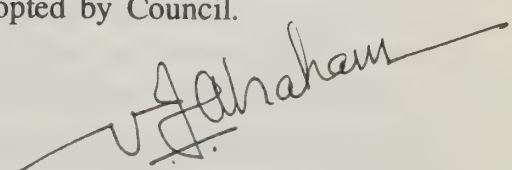
**SUBJECT:**

Sheldon and Mewburn West Proposed Neighbourhood Plan Policies.

**RECOMMENDATION:**

1. That approval be given to Official Plan Amendment No. to implement the Sheldon and Mewburn West Neighbourhood Plan by redesignating lands located in the centre of the neighbourhood; from "Open Space" to "Residential", "Major Institutional" to "Open Space"; and, "Open Space" to "Major Institutional" on Schedule "A" Land Use Concept, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That the proposed plan and policies for the Sheldon and Mewburn West Neighbourhoods (Map 1 and Appendix 1) be adopted by Council.

  
**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V.J. Abraham, M.C.I.P.**  
Director of Local Planning



**BACKGROUND:**

- The availability of sewer services will enable Sheldon and Mewburn West neighbourhoods to be ready for development in 1992, with the exception from 1050 West 5th Street southerly to Rymal Road.
- A neighbourhood study was initiated in 1989. Background information was collected on land use, ownership, topography, etc., and a plan was prepared.
- The proposed plan requires an amendment to the Official Plan to redesignate key Residential, Open Space and Major Institutional areas, reflecting the Neighbourhood Plan.
- The Sheldon and Mewburn West Neighbourhood Plan attempts to provide a functional and attractive living environment for the residents of the neighbourhoods, which include city-wide and neighbourhood parks and recreational opportunities.
- On January 9, 1992 a report was prepared by the Planning and Development Department, outlining two alternative plans for the Sheldon and Mewburn Neighbourhoods and recommending that a public meeting be held to review the plans. This recommendation was approved at the Planning and Development Committee meeting of January 22, 1992.
- A Public Meeting was held on February 17, 1992 to discuss the proposed Neighbourhood Plan and associated Official Plan Amendment. Following the meeting a total of 10 submissions were received (Map 2). Major issues discussed at the public meeting and identified in the submissions include:
  - Uses and development of William Connell Park;
  - Proposed housing types;
  - Lot sizes and street patterns;
  - West 5th Street realignment;
  - Proposed zoning districts; and,
  - Traffic movements.

For further information, the following documents are available from the Secretary of the Planning and Development Committee:



- Planning and Development Report dated January 9, 1992, requesting authorization for the public meeting; and
- Minutes of the Public Meeting held on February 17, 1992.

### Submission Review

The following is an analysis of major issues identified in submissions and at the public meeting:

#### 1.0. Issue:                      West 5th Street realignment     - Prefer Alternative 2 Appendix

Submissions:                      1.      Mr. and Mrs. C. Napholc, 1172 West 5th Street  
     2.      Mr. and Mrs. F. Rother, 1212 West 5th Street  
     3.      Mr. and Mrs. F. Bohrer, 1215 West 5th Street

Concern:                              These residents prefer Alternative 2 (Realignment of West 5th Street) because they feel it would provide a better environment for the existing West 5th Streets residents.

#### West 5th Street realignment - Prefer Alternative 1 Appendix

Submissions:	4.	Mr. and Mrs. D. Vallee	1162 West 5th Street
	5.	Mr. and Mrs. F. Johnson	212 Rymal Road West
	6.	Mr. and Mrs. R. Williams	164 Rymal Road West
	7.	Mr. and Mrs. D. Dekaners	1136 West 5th Street
		140, 150 and 158	Rymal Road West

Concern:                              These residents prefer Alternative 1 (leaving the existing West 5th Street road alignment as it is). They like the convenience and accessibility of West 5th Street. They also noted that it will also save taxpayers money.



Comment: Two alternative plans, showing a different alignment to West 5th were presented at the public meeting. Alternative 1 was keeping West 5th at its present alignment. Alternative 2 requires a realignment of West 5th further to the west, to align with Westlawn Drive at Rymal Road.

It should be recognized that both alignments of West 5th have certain benefits and disadvantages:

- Alternative 1 (as is):

Disadvantages:

- increased traffic on West 5th, thereby impacting adjacent residences.
- an additional traffic signal at Christie Street would be required.
- increased traffic may be created through the Kennedy East Neighbourhood as through traffic, from Christie and Rymal to Upper James may be expected to grow, as traffic would use this route to by-pass the Upper James/Rymal Rd. intersection.
- limited park exposure as compared to alternative 2.

Benefits:

- there is direct connection to West 5th for residents in Kennedy East Neighbourhood.
- existing residents have direct access to West 5th.
- cost of reconstruction is less than the realignment, resulting in a cost saving of approximately \$1 million (based on road construction and property acquisition costs for both alignments considered for West 5th).

- Alternative 2 (realignment):

Disadvantages:

- new alignment may require more negotiation/land assembly.
- the existing residents would not have direct access to West 5th.
- cost is approximately \$1 million more than the present alignment.







Comment: Specific policies are included in the Plan, to require a Comprehensive Design Study prior to the development of any of the City lands for park use. This study will also require public input as part of process. Therefore, these concerns can be addressed at that time. Until the study is completed, any action concerning the use and development of William Connell Park and uses is premature at this time.

The location of William Connell Park has always been targeted as the site for a major city wide park, which could include major sport and leisure facilities. From a planning perspective, this is appropriate.

Concern: b) Mr. Finochio suggested that the City should use the 5% park dedication to acquire the south-west corner of Stone Church Road West and West 5th Street for the extension of Connell Park (approximately 3 hectare or 7.50 acres). The additional parkland would enhance the overall open space system and environment of the area.

Comment: Although this is a thoughtful suggestion, this area of the West Hamilton Mountain is presently very well serviced with parkland. The 5% Park Dedication funds, which are currently rather limited, should be directed to other areas of the City of Hamilton where the provision of parklands is less adequate.

4.0 Issue: Proposed Road Location rear of 227 Stone Church Road West

Submission: 9. Mr. W. Prince 227 Stone Church Road West

Concern: He requested at the public meeting that the proposed road crossing his property be straightened out in order to provide consistent sized lots.

Comment: The Neighbourhood Plan has been adjusted accordingly.

5.0 Issue: Proposed Road Location 172 Rymal Road West

Submissions: 10. Mr. M. Allison 172 Rymal Road West



**Concern:** He noted at the public meeting that his property which is used to raise and train horses has a race track and other facilities related to a horse farm. The proposed roads dividing the property would eliminate the possibility of the continuing use of this property, as there would not be sufficient lands remaining. If the city is required to construct the proposed road on his lands, he is requesting that the City purchase the total holdings and allow him sufficient time to relocate.

**Comment:** As previously stated, the proposed road pattern is a guide. However, the road through Mr. Allison's property is necessary to link Rymal Road to William Connell Park. In addition, its location is important as it aligns with a proposed road in the Kennedy East Neighbourhood.

While there appears to be no other alternative to this road in the immediate area, it should be noted that the surrounding lands can be developed without the proposed road through Mr. Allison's property. Therefore, it does not appear to be an immediate need to acquire lands for this road. However, if for some reason the road is needed for the neighbourhood, the municipality would have to negotiate acquisition of the property with Mr. Allison and address his concerns at that time.

**6.0 Issues:** Proposed attached housing designation south-west corner of Stone Church Road West and West 5th Street

**Submission:** 11. Mr. K. Spencer 83 Stone Church Road West and  
12. Mrs. B. Dehaan 1050 West 5th Street

**Concern:** At the public meeting they expressed opposition to the attached housing designation at the south-west corner of Stone Church Road West and West 5th Street. This objection is based on the fact that there are already townhouses at the north-east corner of Stone Church West and West 5th Street. In addition, it is stated that townhouses are not compatible with the existing single-family houses.

**Comment:** The City's Official Plan states that each Neighbourhood should provide a mixture of residential dwelling types, which is to provide a choice of accommodation for the residents in any part of the City.



Therefore, some townhousing is provided. In addition, there are many areas in the City where single-family housing is adjacent to townhousing without any adverse impacts.

The development of the corner as a single project also provides for a more controlled access onto this major corner, than a number of individual driveways that would be provided if the site was developed for single-family residential housing.

## 7.0 Issues: Traffic Department Concerns

- Concerns:
- a) The Traffic Department is concerned that a suitable access has not been provided to the school site. As a possible site for a high school, the amount of school related traffic, including buses, may adversely impact the single family residents to the north of the school site, through which traffic must travel.

On this basis, the Traffic Department is recommending another access to the site be provided by extending Claudette Gate from Garth Street.

Comment: On the basis of the above, Claudette Gate has been extended on the proposed plan. While this may limit the St. Elizabeth's retirement village development, the opportunity exists to provide multiple family housing north of the Claudette Gate extension.

In addition, the proposed bicycle path should be moved from the reservoir site to the road to avoid the extra costs and security concerns of an isolated pathway. The path through the school site and parks can be addressed at the time of development.

- Concern:
- b) As William Connell Park is to be developed as a City wide park, the Traffic Department has noted the need for three direct signalized access points. These can be provided at the following locations:
    - On West 5th opposite a proposed road in Mewburn East Neighbourhood;



- At the north of the park to a signalized intersection opposite Chesley Street; and,
- At the south of the park to Rymal Road, at the Collector roadway located west of the existing West 5th alignment.

Comment: Based on the above comments, these potential access points have been identified on the Neighbourhood Plan.

***CONCLUSION:***

Based on the above, the revised Sheldon/Mewburn Neighbourhood Plan and accompanying policies (Map 1 and Appendix) should be adopted.

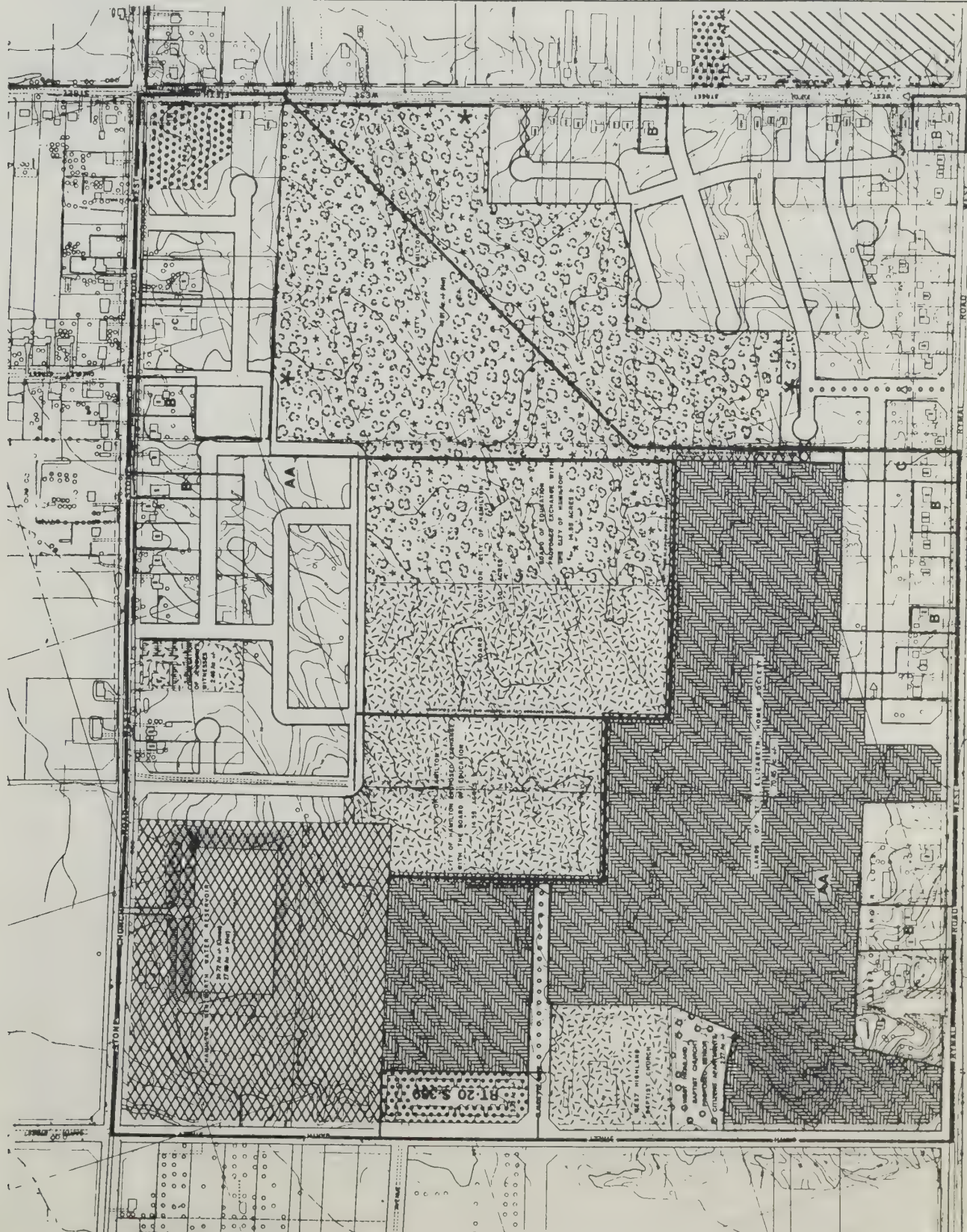
In addition, an Official Plan Amendment implementing the proposed Plan is required.

G.G.:ns  
SHELDON



## APPENDIX





**City of Hamilton**

**LEGEND**

- Limit of Drainage Area
- City Lands
- Board of Education Lands
- Lands of St. Elizabeth Home Society
- Possible Bikeway Route
- Possible Access Points

**Land Use**

- Single and Double
- Attached Housing
- Low Density Apartments
- Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities
- St. Elizabeth's Retirement Village

**SHeldon & MEwburn WEST**

**PROPOSED PLAN**

Note: This is a plan only and is subject to change. The owner should be advised that the City of Hamilton is not responsible for the accuracy of the information shown on this plan.

Neighbourhood Boundary  
Planning Commission  
City Plan Control Boundary  
Local Map Amendment



1. Mr. & Mrs. C. Naphole 1172 West 5th
2. Mr. & Mrs. F. Rother 1212 West 5th
3. Mr. & Mrs. F. Bohrer 1215 West 5th
4. Mr. & Mrs. D. Vallee 1162 West 5th
5. Mr. & Mrs. F. Johnson 212 Rymal Road West
6. Mr. & Mrs. R. Williams 164 Rymal Road West
7. Mr. & Mrs. D. Dekaneas 1136 West 5th
- 140,150 & 158 Rymal
8. Mr. J. Finocchio 1073 West 5th
9. Mr. W. Prince 227 Stone Church Road West
10. Mr. M. Allison 172 Rymal Road West
11. Mr. K. Spencer 83 Stone Church Road West
12. Mrs. B. Dehaan 1050 West 5th

City of Hamilton  
Neighbourhood Location

### LEGEND

- Limit of Drainage Area
- City Lands
- Board of Education Lands
- Lands of St. Elizabeth Home Society
- Possible Bikeway Route
- Possible Access Points

### Land Use

- Single and Double
- Attached Housing
- Low Density Apartments
- Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities
- St. Elizabeth's Retirement Village

Map: This is a plan area and is subject to change. The map is intended to be used for planning purposes only.

Neighbourhood Boundary

Planning Comm.

Site Plan Control Boundary

Council

Land Map Amendment

**SHELDON & MEWBURN WEST**

**PROPOSED PLAN**











City of Harrison  
Neighborhood Location





POPULATION (1988) 234

## LEGEND

- Limit of Drainage Area  
 City Lands  
 Board of Education Lands  
 Lands of St Elizabeth Home Society  
 Possible Bikeway Route

## Land Use

- |   |                                    |
|---|------------------------------------|
|  | Single and Double Attached Housing |
|  | Low Density Apartments             |
|  | Commercial                         |
|  | Civic and Institutional            |
|  | Park and Recreational              |
|  | Open Space                         |
|  | Utilities                          |
|  | St. Elizabeth's Retirement Village |

 Neighborhood Boundary  
 Zoning Boundary  
 Site Plan Control Boundary  
 Latest Map Amendment

**SHELDON & MEWBURN WEST**  
PROPOSED PLAN





## APPENDIX



D R A F T

SHELDON AND MEWBURN NEIGHBOURHOOD  
POLICIES AND PLAN

REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH

APPROVED BY PLANNING AND  
DEVELOPMENT COMMITTEE

ADOPTED BY COUNCIL



## TABLE OF CONTENTS

	<u>PAGE</u>
I INTRODUCTION.....	1
II BACKGROUND.....	1
III NEIGHBOURHOOD PLAN.....	2
A) Goals.....	2
B) Policies.....	2
i) Residential.....	2
ii) Commercial.....	3
iii) Civic and Institutional Uses.....	3
iv) Park, Recreation and Open Space.....	3
v) Transportation.....	3
vi) Urban Design and Landscaping.....	4
vii) Infrastructure.....	4
viii) Plan Implementation.....	4
IV) APPENDICES.....	5
- Approved Plan	
- Neighbourhood Analysis	



# **SHELDON AND MEWBURN WEST NEIGHBOURHOOD**

## **POLICIES**

### **1. INTRODUCTION**

The Sheldon and Mewburn West Plan has been developed to help ensure the orderly development of the neighbourhoods. It defines the type and location of the various land uses which are to be encouraged, as well as a description of the manner in which these uses are to be developed.

The Plan consists of the following two parts:

- A map of the land use concept, attached as Appendix "A"; and,
- A set of written policies, found under Section 3.

### **2. BACKGROUND**

The availability of sewer services enables Sheldon and Mewburn West neighbourhoods to be immediately developed, with the exception of the area from 1050 West 5th Street southerly to Rymal Road West. The existing sewer to service to the above noted area is located approximately 120 metres (400') west of Upper James Street on the northerly boundary of the White Rose property. The extension of sewer service is dependent on private development. To date, the Regional Environmental Services Department has not received a request from the developers to provide a sewer extension.

The policies in the plan have been based on the existing planning policies for the area, including the land use designations and policies in the City of Hamilton Official Plan, which designate areas in the neighbourhood for residential, open space, major institutional and utilities.

The neighbourhood planning process includes several steps to ensure opportunity for review and revision of draft policies, including:

- Collection and compilation of background information, on all aspects related to planning of the neighbourhood;
- Preparation of draft land use concepts which are circulated to various departments and agencies for comments;
- Holding of a public meeting to discuss the details of the proposed land use concept with area residents and owners; and,
- Revision and adoption of the final plan by the Planning and Development Committee and Council.



### 3. NEIGHBOURHOOD PLAN

#### A. GOALS

There are three major goals which the Sheldon and Mewburn West Neighbourhood Plan attempts to achieve, namely:

- Neighbourhood self-sufficiency;
- Efficient and attractive design; and,
- Housing that serves a variety of income groups.

#### B. POLICIES

The following sections contain the planning policies, which are grouped by land use types:

##### 1. Residential

- a) The predominant form of land use in the Sheldon and Mewburn West neighbourhood will be low density residential and related uses.
- b) Residential development will include:
  - Various lots for the existing houses along the periphery of the neighbourhood with lot sizes of about 650 square metres (7,000 square feet) and greater;
  - Single and double family housing in the majority of the undeveloped area with lot sizes of about 360 square metres (3,875 square feet) and greater;
  - Attached housing at the south-west corner of Stone Church Road and West 5th Street;
  - Low density apartments (senior citizen apartments) on the southern portion of the West Highland Baptist Church site at 1605 Garth Street; and
  - An extension of the St. Elizabeth's Retirement Village at the north-east corner of Garth Street and Rymal Road West which is approximately 28.3 hectare (70 acres) and is proposed to be a self-contained retirement village.
- Residential development will be encouraged which:
  - Is compatible with the height and density of adjacent development;
  - Is innovative in design, e.g., energy-efficient; and,



- Includes a variety of housing sizes, densities, tenures, types and costs.

Home occupations will be permitted within residential areas, as long as these are compatible with residential uses, and will be implemented through the zoning by-law.

## 2. Commercial

- a) At present no commercial uses are envisaged in the neighbourhoods. Commercial services will be provided in adjacent neighbourhoods.

## 3. Civic and Institutional Uses

- a) The Board of Education for the City of Hamilton owns a 12.14 hectare (30 acre) vacant site in the centre of the neighbourhood which is to be developed as a school. Two church sites, namely West Highland Baptist Church and a Jehovah's Witness Kingdom Hall on the arterial roads will be retained to service the community.
- b) Other civic and institutional services, e.g. schools, library, police, fire, social agencies, will be located outside the neighbourhood.

## 4. Park, Recreation and Open Space

- a) A City wide park is planned on the west side of West 5th Street. The area is city owned and is approximately 23.5 hectare (50 acres). The site is to be developed as a major city-wide park for sports and leisure related activities. It is also to include a neighbourhood park.
- b) A Comprehensive Design Study will be undertaken prior to the development of any of the City lands for park and recreational uses.
- c) Other recreational services will be provided outside the neighbourhood.
- d) A bicycle path designed to be integrated into the overall city wide bicycle route system is to be provided. The pathway through the school site and park will be identified at the time of development.
- e) The waterworks reservoir property at the south-west corner of Stone Church Road West and Garth Street should be part of the City's overall open space system.
- f) A series of parkettes and linear park systems shall be developed within the St. Elizabeth Village for the purposes of the residents of the village.

## 5. Transportation

- a) New and extended local roads will be provided in Sheldon and Mewburn West to enable the efficient development of the area while discouraging through traffic.
- b) Pedestrian facilities such as sidewalks/walkways will be provided to access schools, bus routes, parks and commercial areas and other uses.



- c) The internal road system within the St. Elizabeth Village shall be designed as a private road system, without the need for a 20 metre (66 feet) right of way.
- d) Traffic from and to the St. Elizabeth Village will be access controlled. Appropriate access will be identified at the time of rezoning and site plan approval.
- e) West 5th Street is to function as a major collector road with a proposed right-of-way width of 26 m (86 ft.).
- f) Potential access points (3) into the park are identified on the Plan.

6. Urban Design and Landscaping

- a) Existing vegetation will be retained wherever possible, including wood lots and rows of mature trees, in the interior of the neighbourhood and along arterial roads.
- b) New trees and other landscaping will be added where possible, such as along arterial roads, on public and private property.
- c) Use of new landscaping to maximize the use of passive solar energy for heating buildings will be promoted.
- d) Heritage buildings with historical and/or architectural significance will be preserved where possible.

7. Infrastructure

- a) Full municipal services, including storm and sanitary sewers and adequate water supply, will be provided for the residents of the neighbourhood.
- b) New developments will be permitted only in areas to which municipal services have been extended.

8. Plan Implementation


- a) When adopted by City Council this plan will form the framework for the future development of the neighbourhoods.
- b) The plan is intended to be flexible enough to allow for changes which are compatible with the general goals of the plan.
- c) Neighbourhood Plan amendments will be required only when there are significant changes in the Neighbourhood.



- d) Any significant changes will require input from the affected citizens, and will take the form of amendments to the Neighbourhood Plan requiring adoption by City Council.
- e) Development will be controlled through the zoning by-law and subdivision of land and where appropriate, site plan control.
- f) St. Elizabeth Retirement Village and attached housing development will be subject to site plan control.
- g) Park and recreational developments will be subject to a comprehensive design study, which will be subject to public input.

G.G.:ns  
SHELDON





City of Hamilton  
Neighbourhood Council

### LEGEND

- Limit of Drainage Area
- City Lands
- Board of Education Lands
- Lands of St. Elizabeth Home Society
- Possible Bikeway Route
- Possible Access Points

### Land Use

- Single and Double
- Attached Housing
- Low Density Apartments
- Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities
- St. Elizabeth's Retirement Village

Notes: This is a plan only and is subject to change. The actual layout of the land is shown on the map. The map is for information only and is not to be used for any other purpose.

**SHeldon & MEwBURN WEST**

**PROPOSED PLAN**

Neighbourhood Boundary

Planning Commission

City Council

City Planning Commission

City Council

City Planning Commission

Neighbourhood Boundary

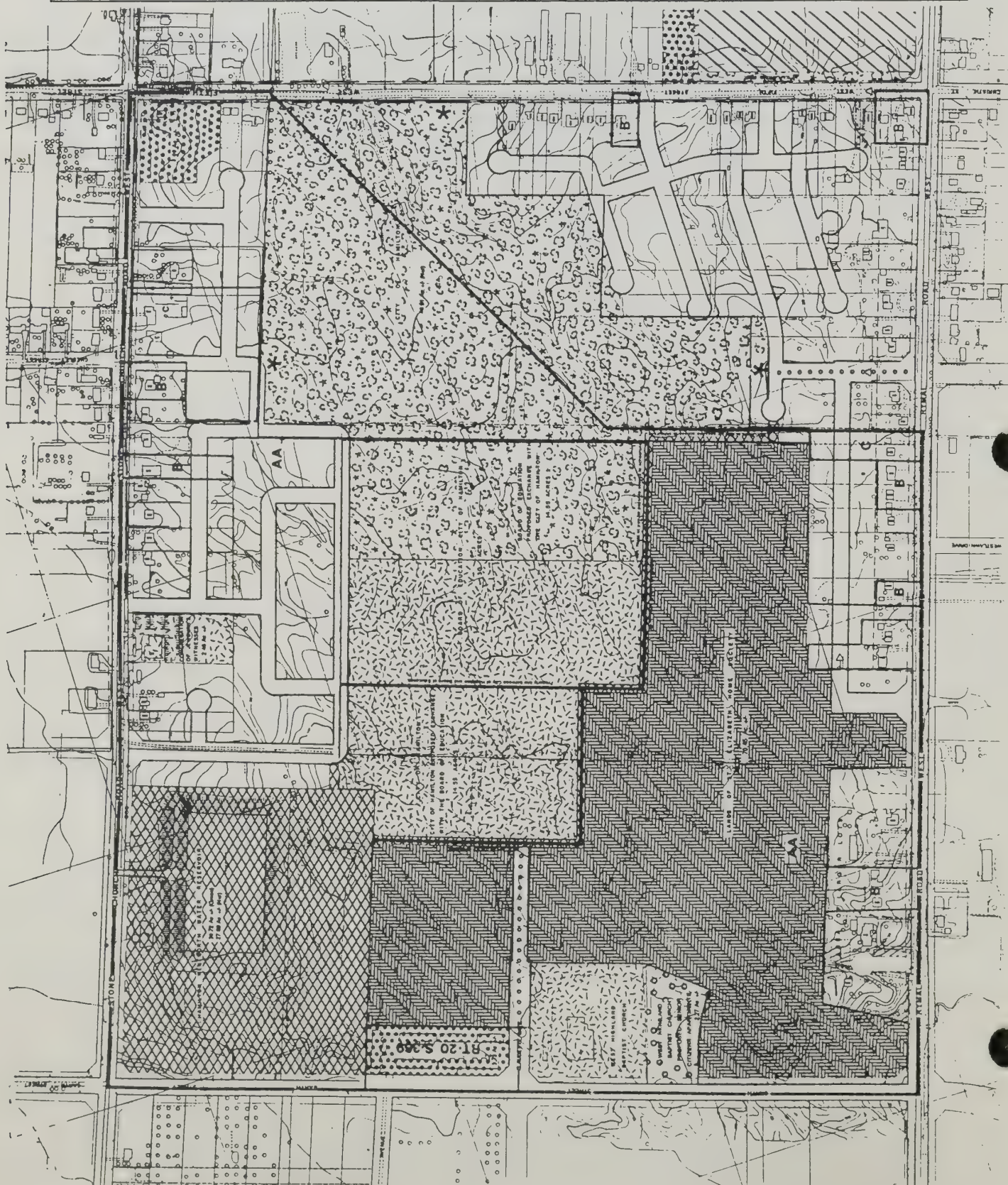
Planning Commission

City Council

City Planning Commission

City Council

City Planning Commission





## Neighbourhood Analysis Sheet Option 1

Gross Area :	128.88 Ha	318.47 Ac.
Gross Residential Area :	74.89 Ha.	185.05 Ac.
Residential Gross Density :	52.80 P/Ha.	21.37 P/Ac.
Population :	3954	
Density :	30.68 P/Ha.	12.42 P/Ac.

Name: SHELDON &amp; MEWBURN WEST

Date: APRIL 22nd, 1992

Category	Use	Hectares	Acres	%	Unit	%	Person	%	U/Ac.	P/U	Remarks
<b>Existing and Committed Development</b>											
Single & Double	B-1	0.45	1.11	0.80	3	6.12	11	6.12	2.703	3.5	
Attached Housing	RT-20/S-369	1.51	3.73	2.70	46	93.88	161	93.88	12.33	3.5	
West Highland Baptist Church	AA	2.49	6.15	4.45							
Jehovah's Witness Hall	AA	1.00	2.46	1.78							
Parks & Recreational	AA	25.94	64.09	46.35							
Public School	AA	12.14	30.00	21.70							
Ham-Wen Water Reservoir	AA	12.43	30.72	22.22							
Total		55.95	138.26	100	49	100	172	100			
<b>Undeveloped</b>											
Single & Double	( AA, B, C )	42.29	104.5	57.98	758	53.80	2651	70.10	7.25	3.5	57 ext'g D.U.
Attached	AA	1.21	3.00	1.66	36	2.56	126	3.33	12	3.5	
Low density Apartments	AA	0.92	2.27	1.26	54	3.87	109	2.88	24	2.0	Senior Apts.
Sister Elizabeth's Village		28.51	70.45	39.09	560	39.77	896	23.69	7.949	1.6	
Total		72.93	180.21	100.00	1408	100.00	3782	100.00			
<b>Design Plan</b>											
Single & Double		42.74	105.60	33.16	761	52.20	2662	67.32			60 ext'g D.U.
Attached Housing		2.72	6.73	2.11	82	5.63	287	7.26			
Low Density Apartments		0.92	2.27	0.71	54	3.74	109	2.76			
Sister Elizabeth's Village		28.51	70.45	22.12	560	38.43	896	22.66			
Civic & Institutional	West Highland Church	2.49	6.15	1.93							
	Jehovah's Witness	1.00	2.46	0.77							
	Public School	12.14	30.00	9.42							
Park & Recreational		25.94	64.09	20.12							
Utilities	Water Reservoir	12.43	30.72	9.65							
Sub Total		74.89	185.05								
TOTAL		128.88	318.47	100	1457	100	3954	100			







8.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 May 12  
ZA-91-67  
Sheldon Neighbourhood

RECEIVED

MAY 13 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

CITY CLERKS

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - southerly portion of No.  
1605 Garth Street.

**RECOMMENDATION:**

That approval be given to Zoning Application 91-67, West Highland Baptist Church, owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, to permit future multiple family development, for lands located on the east side of Garth Street, in the area between Rymal Road West and Claudette Gate, municipally known as the southerly portion of No. 1605 Garth Street, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- ii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  - a) that Section 10E(2)(a)3. of Zoning By-law No. 6593 shall not apply.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-17D be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17D for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

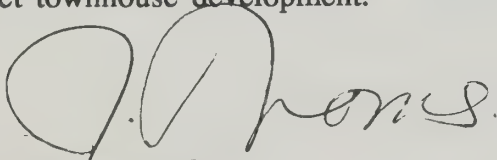


**EXPLANATORY NOTE:**

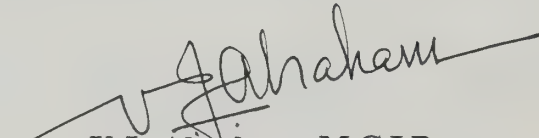
The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for lands located on the east side of Garth Street, in the area between Rymal Road West and Claudette Gate, municipally known as the southerly portion of No. 1605 Garth Street, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the future development of the subject lands for a multiple family dwelling (apartment building).

In addition, the By-law provides for a variance as a special requirement to prohibit street townhouse development.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The purpose of the application is to permit future development of the subject lands for a multiple dwelling containing approximately 50 apartment units. It should be noted that, to-date, the applicant has not submitted a preliminary site plan for the development.

**APPLICANT:**

West Highland Baptist Church, owner.

**LOT SIZE AND AREA:**

An irregular shaped parcel of vacant land having;

- 59.32 m (194.6 ft.) of lot frontage on Garth Street;
- 121.58 m (398.9 ft.) average lot depth; and,
- 0.80 ha (2.0 ac) of lot area.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	West Highland Baptist Church	"AA" (Agricultural) District
to the south	vacant	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District
to the west	vacant	"RT-20" (Townhouse - Maisonette) District

**OFFICIAL PLAN:**

The subject lands are designated RESIDENTIAL on Schedule A - Land Use Concept of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8        It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14       In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i)      The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii)     Appropriate open space, including landscaping and buffering, will be



provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
  - ii) Alteration of traffic flows;...
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents.
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
  - iv) Encourage the responsible public agencies to provide low- cost and/or senior citizen housing at appropriate locations throughout the City;
  - vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

The proposal complies with the intent of the Official Plan.

It should be noted that proposed Official Plan Amendment No. 80 (currently before the Region) proposes to redesignate the subject lands Major Institutional. However, since residential uses are permitted in Major Institutional areas, the proposal also complies with proposed Official Plan Amendment No. 80.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated for "LOW DENSITY APARTMENTS" on the proposed Sheldon Neighbourhood Plan. In this regard, the Planning and Development Committee considered the proposed Sheldon Neighbourhood Plan prior to considering the subject application. Should the proposed Sheldon Neighbourhood be adopted by the Planning and Development Committee and be approved by City Council, the proposal will comply with



the intent of the Sheldon Neighbourhood Plan.

**COMMENTS RECEIVED:**

- The Building Department has advised that:

- "1. The existing church and the proposed multiple dwelling are not permitted on the same lot. Therefore, a successful land severance application shall be required.
2. No concept drawings have been submitted to determine compliance with the zoning regulations."

- The Traffic Department has advised that:

"The Sheldon Neighbourhood Neighbourhood Plan is presently being reviewed. Although we have no concerns with the request to rezone these lands to "DE-3", we suggest that this application be tabled pending resolution of the Sheldon Neighbourhood Plan."

In addition to the foregoing comments, the Traffic Department has advised that since the "DE-3" District also provides for, among other uses, street townhouses, that the amending by-law should prohibit street townhouse development fronting onto Garth Street.

- The Roads Department has advised that:

"There are public watermainns available to service these lands. Separate storm and sanitary sewers are also available.

In the absence of any details shown, we advise that any works which may occur within the Garth Street road allowance, as widened, must conform to the City of Hamilton Streets By-law.

As the applicant may be aware, there is a vertical crest curve on Garth Street to the south which limits motorist visibility. However, it is anticipated that with the construction of sewers on Garth Street that the vertical alignment will be revised to improve motorist sight lines. Although we have no objection to the proposed land use, we will not be in a position to support separate access to these lands until Garth Street is realigned vertically. Until such time, the existing access to Garth Street and Claudette Gate will be used.

The applicant may wish to attend this office to review these construction plans with our staff including the road grade changes adjacent to the subject lands. To ensure that our concerns with respect to grading, access, landscaping etc. are addressed, we recommend that theses lands be developed through site plan control with the City of Hamilton.



It may be appropriate to table this application for rezoning until such time as the Sheldon Neighbourhood Plan has been approved by Committee and Council."

- The Hamilton Region Conservation Authority and the Niagara Region Conservation Authority have no comments or objections.

**COMMENTS:**

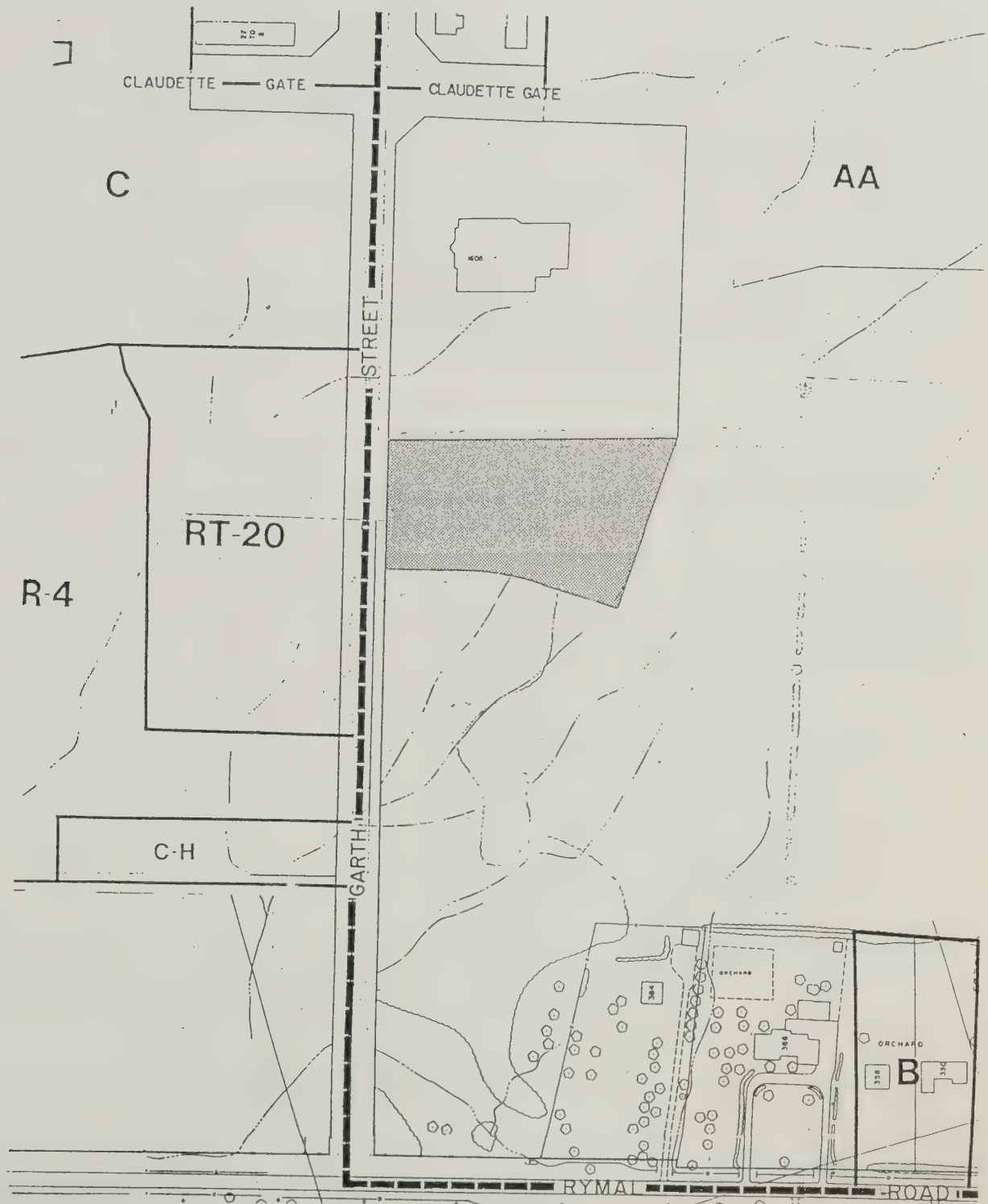
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the proposed Sheldon Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of the Official Plan and the proposed Sheldon Neighbourhood Plan;
  - it would be compatible with proposed future development in the surrounding area comprised of attached housing to the east and south (St. Elizabeth Village Development), attached housing to the west, and the existing church to the north;
  - the requested zoning is appropriate for the proposed development.
4. In keeping with the request of the Traffic Department, the amending By-law should prohibit street townhouse development fronting onto Garth Street.
5. The applicant has indicated that the lands are to be severed from the church property within the next six months. In this regard, severance of the subject lands would require the approval of the Regional Land Division Committee. To-date, a land severance application has not been submitted.
6. The requested "DE-3" (Multiple Dwellings) District zoning is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. Matters such as parking, access, grading, landscaping, etc., will be dealt with at the site plan control stage of development.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

GAW/ma  
ZA9167

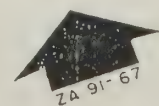




Legend



Site of the Application









9.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 12, 1992  
P5-2-60, P5-3-2-62  
Hamilton Beach Neighbourhood

**RECEIVED**

MAY 13 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

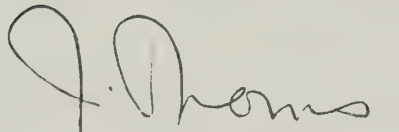
**CITY CLERKS**

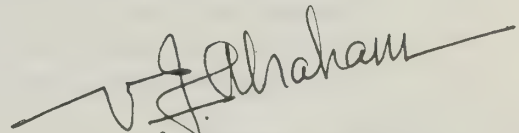
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Hamilton Beach Neighbourhood  
- Proposed Neighbourhood Plan and Official Plan Amendment

**RECOMMENDATIONS:**

- A) That the City Solicitor be requested to repeal City of Hamilton By-Law No. 88-275, (By-Law of Adoption for Hamilton O.P.A. No. 62);
- B) That approval be given to Official Plan Amendment No. , to incorporate changes to Schedule "A" - Land Use Concept of the Official Plan, and to Special Policy Area 10 on Schedule "B" - Special Policy Areas, to implement the Hamilton Beach Neighbourhood Plan, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- C) That the proposed Hamilton Beach Neighbourhood Plan, attached as Appendix 1 (text and maps), be adopted by Council.

  
**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Sanitary sewers will be constructed to service the Hamilton Beach area during 1992 to 1994.
- The Hamilton Beach Concept Plan, completed in 1987, recommended that the Beach be developed as a mixed use area, to consist of a balance of:



- low to medium density residential uses; including existing homes and some infill single family, townhouse and apartment dwellings; and,
- open space uses; including a continuous recreation corridor with a pedestrian/bicycle path along the lakefront, connecting links to the lakefront, an open space buffer along the Q.E.W., and local parks.

This 1987 Concept Plan, prepared by Moore George proposed a combination of residential and open space uses. This concept was a major change from the previous plans for the Beach, which targeted the entire area for a City-wide park.

- A neighbourhood plan was initiated in 1989, to refine the details of specific housing types/densities, the location of commercial and other uses which the Concept Plan included as ranges and options. An Advisory Committee was established, consisting of citizens, political and agency representatives. The Committee met over a dozen times to address issues such as open space areas, housing densities, services, heritage, etc. Input from municipal departments and various agencies, as well as the Advisory Committee, have been used to prepare the proposed Hamilton Beach Neighbourhood Plan.
- The Planning and Development Committee, at their meeting of August 21, 1991, gave authorization for a public meeting to be held to discuss the proposed Neighbourhood Plan. The report prepared by the Planning and Development Department, dated August 12, 1991, provides further background.
- A public meeting was held on September 30, 1991, to discuss the proposed Neighbourhood Plan and Official Plan Amendment for Hamilton Beach. Approximately 200 citizens attended the meeting. The comments received from the public addressed a wide range of issues, including:
  - Whether or not to include lakefront pedestrian/bicycle path and connecting links to lakefront; related safety and privacy concerns;
  - Concerns of owners of homes designated for long term acquisition;
  - Process for sale of publicly-owned lands; number and size of new lots to be created;
  - Location and density of proposed townhouse and apartment sites;
  - Traffic volumes on Beach Boulevard and pedestrian safety; and,
  - Desire for school and meeting rooms.
- Submissions from the public were invited following the public meeting, and approximately 15 written submissions were received from citizens. A summary of the submissions from departments, agencies and the public on the proposed plan is provided in the next section of this report.
- The following are available from the Secretary of the Planning and Development Committee, upon request :
  - Comments on draft plan from municipal departments and other agencies;
  - Planning and Development report requesting authorization for public meeting, dated August 12, 1991;
  - Minutes of the public meeting held September 30, 1991; and,
  - Copies of letters of submission from residents, including a petition with about 30 signatures.



## **REVIEW OF SUBMISSIONS**

The following is a summary of the major issues which have been identified in the 50+ submissions received on the proposed Neighbourhood Plan, from Departments, Agencies and the public.

### **1) Residential**

#### **Density**

- **Submissions** - Generally, residents supported the residential designation of most of the Beach Neighbourhood. Some residents were concerned about the proposed attached housing and low density apartment designations. They felt these uses were not compatible with the existing character and density of the Beach, would affect the present quality of life, and would cause increased traffic and demand for parking. They requested the location, design and maintenance of any such housing be carefully controlled, to help ensure compatibility.
- **Comments** - The proposed attached housing and low density apartment areas are considered to be appropriate since they provide a variety of housing types to suit a range of household sizes and types. The densities which would be associated with attached housing are not much greater than the densities of the existing small lot singles in many parts of the Beach. The resulting traffic and parking demands should not be significantly different from that for single family infill. Heights would be limited to three storeys for apartments, and sufficient parking would be required on-site. Design would be regulated by means of site plan control, providing greater control for these types of housing than for single family homes, which are exempt. Design guidelines and/or design competitions might also be considered, to help ensure good quality design, especially for publicly-owned lands.

Relocation of the proposed Low Density Apartment site was considered, due to concerns raised by owners of existing housing in this area. Several alternative land use patterns were prepared for the Beach Centre area. It was determined that the long term land use pattern should remain as originally proposed, to ensure compatibility of adjacent uses.

#### **Affordability**

- **Submissions** - Several residents were opposed to low income or affordable housing, since they felt it was a less desirable type of housing, especially if concentrated in one area. They felt that existing Beach homes were already generally affordable, and that additional affordable housing was not required.
- **Comments** - The provision of new affordable housing is desirable from the viewpoint of existing and proposed municipal policies, as well as Provincial legislation, to help meet the great demand for such housing. The 1992 City of Hamilton Municipal Housing Statement Update encourages at least 25 percent of new residential development in the City to be affordable, as defined by the Province. (The Province currently defines affordable in Hamilton as homes costing up to \$147,000 to purchase, or \$810 to rent). This is to be achieved on a municipality-wide basis and reflected in the neighbourhood planning process. It should be noted that some of the attached housing and low density apartment units may also be above average in cost.



Currently, the municipality does not control the cost or tenure of development through planning regulations. All neighbourhoods are encouraged to take their share of affordable housing which, under the Provincial requirements, could include both owner-occupied and rental units.

### Seniors

- Submission - One resident requested consideration of housing for seniors in the Plan.
- Comment - The written policies of the Plan encourage the provision of a variety of housing densities and types, including seniors housing. It is hoped that some of the new residential development to be provided could be for seniors.

## 2) The Lakefront

### Breezeway

- Submissions - Comments regarding this issue ranged from the need for a breezeway, to the elimination of the potential breezeway.

Several submissions stated that a pedestrian/bicycle path or breezeway along the lakefront area is necessary to provide a convenient walkway link to enable use and enjoyment of the lakefront by the public. This opinion was expressed by the Hamilton Region Conservation Authority (H.R.C.A.), the Royal Commission on the Future of the Toronto Waterfront, Hike Ontario and the Hamilton Naturalists Club. They felt that the lakefront is a unique natural area of regional significance, which should be accessible to all regional citizens. The breezeway was included in the Hamilton Beach Concept Plan, approved by City Council in 1987, as an integral part of this mixed-use plan. Several of these commenting agencies noted the importance of a lakefront breezeway in Hamilton to link with adjacent trails in Confederation Park and in Burlington, as part of an overall lakefront trail system. It was felt by these commenting agencies that such a trail would reinforce the Beach community, and enhance property values.

However, many residents of the Beach raised concerns about the proposed breezeway, stating that the Beach should be preserved as a natural, unspoiled area without any man-made amenities. They had concerns for the safety and security of residents living adjacent to the breezeway, as well as pedestrians using it. They felt that the Beach is well used at present, without the breezeway.

- Comments - The concerns of the adjacent residents about their needs for privacy, safety and security warrant careful attention and consideration. However, the needs of the residents of the entire Region are also important. As noted in the submissions, the Beach is a unique resource to be enjoyed by all residents of the Region. Therefore, the Waterfront breezeway warrants inclusion in the Neighbourhood Plan.

Initiatives in other municipalities around the western end of Lake Ontario indicate a commitment to creating a continuous waterfront trail, which is built or being planned in many locations, to enable enjoyment of the waterfront. These initiatives include the Waterfront Trail, as recommended by the Royal Commission on the Future of the Toronto Waterfront, which is to extend from Burlington to Port Hope. The Hamilton Beach breezeway would have the unique opportunity of linking into this overall system.



The breezeway could be built in a manner which meets the needs of all parties involved, by means of:

- careful, planned design to address the concerns raised;
- public involvement in design and implementation;
- staged implementation; and,
- appropriate policing.

### Location and Access

- Submissions - Alternative options and locations for a breezeway were suggested by several residents. Some felt a breezeway, if built, should be located along Beach Boulevard, rather than on the lakefront along the former railway line as proposed. Viewing or "look-out" areas would be located at the ends of several side roads, to link a trail along Beach Boulevard with the lakefront. Others suggested providing only a few unconnected sections of a lakefront breezeway. The Conservation Authority and others requested a breezeway along the lakefront, and that features to service the breezeway, such as adequate access points, connecting links, parking areas, etc. should be designated in the Plan.
- Comments - A continuous breezeway along the lakefront, rather than only sections of a walkway, or a walkway along Beach Boulevard, is considered necessary to provide a useful trail with views of the lake and to enable enjoyment of the waterfront area. The Waterfront Trail in the Toronto-centred region was designed with the intent of being located as close as possible to the lake, and the Beach breezeway should be also, to serve its purpose.

The designation of features to service the breezeway, such as access areas, connecting links and parking areas is considered to be very important, to facilitate its use and minimize impacts on adjacent residents. Accordingly, the land use plan (Appendix C within the Neighbourhood Plan document) has been modified to increase the amount of open space at the south end of the Beach. The breezeway and related features and areas, including parking areas and access points have been recognized in a separate map, Appendix D, which forms part of the Plan.

### Design and Jurisdiction

- Submissions - The careful design of a breezeway was considered important, to address concerns of appearance, privacy, safety and security, and convenience, as well as preservation of the natural character of the Beach. The nature of fences, landscaping, construction materials, etc. should be considered carefully in the construction of any breezeway to overcome these concerns.

The H.R.C.A. was considered by some to be an appropriate agency to design, construct and manage any breezeway. Others felt that the City Parks Division would be more appropriate, or that the managing agency was not a critical factor.

- Comments - The design, establishment and operation of the breezeway should be carried out using the expertise of appropriate staff from several municipal departments and agencies. The design specifications, such as the surface materials, type and location of fences/gates, and types of landscaping, should be sensitive to the needs of users, residents and the natural environment, and should take advantage of opportunities to enhance and restore wildlife habitats. The design should allow for input from residents to address safety and security measures.



Jurisdiction of the breezeway should be determined in the implementation stage of the Plan.

### **3) Canal Recreational**

- **Submissions** - The Hamilton Harbour Commissioners (H.H.C.) felt the Plan fails to acknowledge the role of Hamilton Harbour, and in particular, the importance of the Burlington Canal and possible impacts on related shipping, navigation and port development activities. They felt that incompatible land uses adjacent to the Canal may affect the whole of the Harbour. They outlined a number of changes which they requested be made to many sections of the proposed Plan, to recognize the paramountcy of the H.H.C. to regulate and control all lands within the Harbour for shipping, navigation and port development, and to ensure that none of the future land uses on the Beach interfere with these H.H.C. uses.
- **Comment** - The proposed Plan has been modified to recognize the role of the Hamilton Harbour Commissioners to a greater extent. The draft plan, which they reviewed, did include reference to the role of the H.H.C. within the Canal Recreation Area Section. Additional references have been added within the Planning Policies and General Provisions section of the Plan, and in other relevant sections, to address some of their concerns. These changes recognize the mandate of the Hamilton Harbour Commissioners to regulate and control all lands within the Hamilton Harbour for shipping and navigation purposes. The maps which indicate the proposed land use plan and the breezeway features have also been revised to reflect the H.H.C. property ownership and authority.

### **4) Green Buffer - Bayside along Q.E.W.**

- **Submissions** - The Conservation Authority would prefer a wider buffer strip along the Q.E.W. than was provided for in the draft plan considered at the public meeting. This would allow for the provision of parking and amenity areas for the lakefront, minimize the impact of the Q.E.W., and reduce the possible risk of flooding in the residential area. Residents feel there should be no pedestrian/bicycle path within this buffer, as proposed in the draft plan, and no other features except landscaping should be provided, due to the proximity of the highway and noise wall.
- **Comments** - Additional width has been added to the green buffer near the south (Woodward Ave.) end of the Beach, to provide an area for amenities such as parking to serve users of the lakefront area. The green buffer along the remainder of the Beach has not been widened, since this would require the acquisition of additional homes, which has been identified as a concern. A pedestrian/bicycle path may be difficult to achieve along this corridor, due to the existing continuous fence along the highway, which in many cases is directly adjacent to existing properties. The 1987 Concept Plan included a wider buffer strip, with 14 homes to be acquired, rather than the 3 in the proposed Plan. Within the proposed Plan, several homes would remain, which are within about 10 to 15 feet of the fence. It is also noted that a pedestrian/bicycle path is proposed within the Lakefront area, and therefore it does not appear to be needed in the green buffer as well.

### **5) Parks and Playgrounds**

- **Submission** - The City Public Works Department has requested that the area designated for the Kinsmen Park be increased to include the lands at the corner of Beach Boulevard and Lakeside Avenue. This would provide additional amenity area and visibility for the park.



- Comment - This minor addition to Parks and Playgrounds can be supported and has been included in the proposed plan.

## **6) Commercial**

- Submissions - Some residents are opposed to the proposed commercial designations, since they feel that tourist commercial areas are not compatible with residential uses. They feel that the Beach cannot support major commercial activity, and they are concerned about possible increases in traffic and demand for parking.
- Comments - The commercial areas are intended for small scale commercial developments, primarily to serve the needs of local residents. Sufficient parking would have to be provided for all new developments, as required by the Zoning By-Law. Tourist commercial uses would have to meet zoning by-law requirements, which would help ensure compatibility with adjacent residential uses in terms of distance separation and buffering for any outdoor patios, and would provide other compatibility measures. It is noted that some commercial districts, with the exception of the "H" District, are subject to Site Plan Control, which should help address the concerns about design and fit.

## **7) Civic and Institutional**

- Submissions - Several residents felt that a school in the neighbourhood would be desirable to provide a focus for the Beach. They also noted the lack of adequate, accessible meeting room facilities to serve the community.
- Comments - The Hamilton Board of Education and the Separate School Board have both stated they do not feel there will be sufficient students in the neighbourhood to require a school, even with the proposed new development. Therefore, the present policy of busing students to nearby schools will continue. The proposed plan designates several areas for open space, one or more of which could possibly be converted to a small school campus, if necessary in the future. However, this is not seen as likely in the foreseeable future.

The shared use of available meeting rooms by the community groups and the general public is to be encouraged as much as possible, including those at the Beach Rescue Unit Hall and the Bell Cairn Employee Development Centre.

## **8) Heritage and Design**

- Submissions - Two residents requested that the proposed Heritage District encompass the entire Beach neighbourhood, rather than only a three block section near the Canal, to prevent division of the community. Another resident had concerns about the proposed controls on the design of new development, and the method by which these would be achieved.
- Comments - The proposed Heritage District recognizes an area within which most of the houses are considered by L.A.C.A.C. to be worthy of heritage designation for historical and/or architectural reasons. The Beach as a whole does not meet these criteria for designation as a heritage district, and thus is unlikely to be designated as a heritage district.



A detailed special study would be required to prepare the Heritage Conservation District Plan, prior to its establishment, if this is to be pursued, and would include additional public input.

The preparation of design guidelines may be considered later, to provide specific direction regarding the nature of design for new developments. This would be determined in the implementation phase of the Plan. Site Plan Control is an existing requirement for any attached housing or apartment development, and most types of commercial, which enables control over some elements of design, such as landscaping, parking and access.

## **9) Transportation and Utilities**

- **Submissions** - Some residents expressed concern about speeding traffic on Beach Boulevard, and the overall volume of traffic, which they felt would increase with new development. They requested a pedestrian-activated push button stop light in the vicinity of Kinsmen Park to help ensure the safety of children crossing Beach Boulevard to get to the park. Residents noted the need to provide sufficient parking, both on-street and off-street, to serve the needs of existing and new residents, and visitors to the Beach. The Traffic Department noted that posted speed limits may not necessarily be reviewed or revised to ensure compatibility with adjacent land uses, as stated in the draft Plan. They also asked that reference to the development or enhancement of pathways for cyclists be added to the proposed Plan.

Residents felt that the Hydro lines along the lakefront should be buried underground or relocated. Ontario Hydro requested that a policy be added to the Plan, stating that electric power facilities are to be permitted in all areas of the Beach.

- **Comments** - In regards to the concerns about speeding traffic, Traffic Department staff feel that Beach Boulevard is operating well from a traffic perspective, with enforcement of speed limits being effective. They note that evaluation of the need for traffic control measures such as stop signs is part of the on-going function of their Department, and each request is evaluated against the appropriate criteria. They have noted that stop signs do not always have the overall effect of slowing traffic. The provision of sufficient parking should be an important requirement for new developments, and standards contained in the Zoning By-Law should be adhered to. The proposed Plan policies have been revised by deleting reference to any review of posted speed limits, and noting pathways to be provided for cyclists, as requested by the Traffic Department.

The proposed Plan encourages the relocation or burying of the lakefront hydro transmission line, although any such relocation would be the decision of Ontario Hydro and others, and funding would have to be secured to cover the extensive costs. The proposed Plan has been amended to recognize existing electric power facilities as permitted uses, within the context of the Zoning By-Law.

## **10) Long Term Acquisition**

- **Submissions** - Most of the owners of the five homes designated in the Plan for long term willing seller acquisition, within the Q.E.W. green buffer and in a park area on the lake side, expressed that they do not wish to move. Some said that they would like a house to replace the one which is to be acquired.



- Comments - There is a need for some homes to be acquired, to provide a buffer to the Q.E.W., to allow for distance separation and to reduce the number of homes in flood-prone areas. There is also a need for an additional area of lakefront open space, to provide neighbourhood playgrounds and open space areas at regular intervals.

The previous Concept Plan for the Beach included a much greater number of homes to be acquired, namely 14 within the QEW green buffer and about 30 on the lakefront. This was reduced in order to minimize the impact of acquisition. However, three properties along the QEW are seen as essential to maintain the buffer concept, and two are required on the lakefront to provide a needed open space area. It is noted that acquisition will be on a willing seller / willing buyer basis, and that residents will not be forced to move or be expropriated under this scenario. Owners would be free to sell their lands to parties other than the City if they wish. The Plan reflects the long term desire of the City to acquire these properties. Expropriation is not an option.

Facilitating exchanges of homes or properties to be acquired with residential lots located elsewhere in the Beach neighbourhood would be desirable. A policy has been added that the City would assist these residents in locating other suitable housing, if desired.

It might also be appropriate to consider the acquisition of additional properties, close to the Q.E.W., if these become available at some future point, to allow some flexibility in the width of the buffer.

## **11) Process for Sale of Publicly-Owned Lands**

- Submissions - Several residents said they would like to purchase vacant lots adjacent to their home, or some portion of them, in order to provide driveways, side yards or additional space for other purposes. Many residents would like to have the first right of refusal, or the opportunity to purchase vacant lots next to their homes, prior to these lots being offered to others. They would like to be informed when the vacant lots are being offered for sale.

The H.R.C.A. noted that half of the funds from the sale of these lands will go back to the Province, to pay for open space improvements in other areas, since the lands were originally purchased with a significant portion of Provincial funding. They feel that the funding must revert back, unless the Province agrees to direct these funds to improvements on the Beach.

They also felt that the Neighbourhood Plan must identify which properties are considered surplus and should be sold.

- Comments - The careful sale of these many parcels of publicly owned lands must be done in a manner which recognizes the extensive investment of public funds which has gone into their purchase and maintenance. It is important that the lands be sold and/or developed in a way that does not decrease their overall value. Therefore, the sale of portions of lots to adjacent owners for use as driveways and side yards may be restricted to cases where no adequate alternative parking arrangements can be made. It is possible that any lots or portions of lots which are less than a minimum lot size could be offered for sale to adjacent owners for their use in expanding their parking facilities and side yards, although there may be few such small parcels. The government agencies who own the vacant public lands may prefer to develop most of the vacant lands for infill houses, where this is possible.

The H.R.C.A. and the Province should be requested to consider re-investing their shares of the proceeds of the sale of these lands back into the Beach community, to provide



improvements funds for open space improvements such as the waterfront breezeway and related facilities.

The Plan identifies those areas which are to be developed for public open space, as opposed to residential. The exact process for the sale of surplus publicly-owned lands will be determined primarily by the affected municipal departments and agencies, in consultation with the Beach Advisory Committee. This process will involve identification of specific surplus lots and parcels.

## **12) Beach Advisory Committee**

- Submissions - Several residents wished to become members of the ongoing Beach Advisory Committee, and asked how it would be established. One resident said that the Committee should include more neighbourhood residents and fewer representatives of the H.R.C.A. Another suggested that the Hamilton Beach Preservation Committee, a local neighbourhood association, should become the Advisory Committee, because of their long history and their wide representation from various parts of the Beach.
- Comments - The Beach Advisory Committee is proposed to provide ongoing citizen and agency input into the implementation of policies in the Beach Neighbourhood Plan. The availability of staff resources to support an ongoing citizen advisory committee is subject to future budget approval. If necessary, alternative approaches may have to be considered, such as the existing neighbourhood association becoming the agency for providing this citizen input.

Any such citizen advisory committee should include a balance of all stakeholders, including residents and non-residents (H.R.C.A., politicians, etc.), due to the Beach's role as a Regional resource, and to recognize the various land owners. Resident members would be selected to achieve a balance of geographic location.

### **COMMENTS:**

The proposed Neighbourhood Plan for Hamilton Beach has been modified as follows to take into account the above-noted concerns:

- A lakefront breezeway, connecting links to it through open space areas and along streets, associated parking areas and other associated areas have been specifically noted in the Plan;
- The location of the breezeway and associated facilities have been indicated on a separate map, namely Appendix "D", which is attached and will form part of the Plan.
- The authority and jurisdiction of the Hamilton Harbour Commissioners, and their shipping and navigation mandate, have been further recognized by means of additional references in the Plan policies.
- The area designated for "Parks and Playgrounds" at the Kinsmen Park has been increased to include a small area at the corner of Beach Boulevard and Lakeside Avenue.
- The "Green Buffer" area designated at the south (Woodward Avenue) end of the Beach has been increased in size, to include the area between Fletcher Avenue and the ramp to the QEW.



***CONCLUSIONS:***

On the basis of the foregoing, the proposed Hamilton Beach Neighbourhood Plan, as contained in Appendix 1 (text and maps), and the related Official Plan Amendment, should be adopted.

V.G.:ns  
HAMBESUB







# Hamilton Beach

## Neighbourhood Plan



LOCAL PLANNING BRANCH  
PLANNING AND DEVELOPMENT DEPARTMENT  
REGION OF HAMILTON-WENTWORTH

MAY 1992



## TABLE OF CONTENTS

<u>PREFACE</u>	<u>PAGE</u>
I      PURPOSE	1
II     BACKGROUND	1
III    PLANNING POLICIES AND GENERAL PROVISIONS	2
IV    NEIGHBOURHOOD PLANNING PROCESS	3
V     NEIGHBOURHOOD PLAN	5
1.0    RESIDENTIAL	5
2.0    PARKS AND RECREATION	9
3.0    COMMERCIAL	13
4.0    CIVIC AND INSTITUTIONAL	15
5.0    URBAN DESIGN AND HERITAGE	16
6.0    ENGINEERING SERVICES	18
7.0    TRANSPORTATION AND UTILITIES	19
8.0    IMPLEMENTATION	20
VI    APPENDICES	
A      Neighbourhood Planning Process	
B      Hamilton Beach Advisory Committee	
C      Proposed Plan	
D      Open Space Plan	



## HAMILTON BEACH NEIGHBOURHOOD PLAN

### PURPOSE

The Hamilton Beach Neighbourhood Plan has been prepared to provide a guide for the future development of the Beach. It defines the location and density of each land use type, and provides a description of the manner in which these uses are to be developed. The plan builds on the many positive features of the Beach, such as its natural features, unique character and variety of housing types.

### BACKGROUND

Hamilton Beach is a 4.5 km (2.8 mile) long strip of land, 138 hectares (340 acres) in area, which extends between east Hamilton and the boundary with Burlington at the Ship Canal. The residential neighbourhood varies between 200 m and 300 m (650 - 1,000 ft.) in width. The area is presently home to over 1,170 people, living in 480 dwelling units, of which about 70% are single family homes and the remainder converted duplexes, triplexes, etc. About 68% of the housing units are owner occupied.

The Beach is a readily identifiable neighbourhood, physically separated from other residential areas in Hamilton. It has a strong sense of community and history, a variety of attractive architectural styles within the setting of lake views and Beach front, and an active neighbourhood association.

These lands have always provided an important strategic link, since they form part of a land bridge between east Hamilton and Burlington. The Burlington Canal, at the boundary of Hamilton Beach and Burlington, is the entrance to Hamilton Harbour, and thus is critical to shipping and navigation activities in Hamilton. The construction of various transportation facilities and utility corridors on the Beach, such as the former C.N. railway line, the Q.E.W. Highway/Skyway Bridge and Ontario Hydro transmission lines have helped determine the character of the Beach.

There have been many changes in the use of these lands, which have included fishing and recreation, summer cottages and a self-contained residential community. The summer homes which were prevalent at the turn of the century resulted in the formation of a permanent residential community during the decades following 1920. By the early 1960's there were numerous commercial and recreational uses within a stable mixed use community. There were also concerns at that time and more recently about quality of housing, ground water, flooding, air pollution from the Bayfront industrial area, noise from the Q.E.W., increasing traffic on Beach Boulevard, and lack of main sewers.

Flooding and septic tank malfunctions were experienced in 1973, associated with high water levels. Beach residents requested that the City consider purchasing their homes as a result of their concerns about flooding and its impact on the marketability of their properties. The area was seen as a desirable location for a lakefront park to serve City-wide needs. As a result, the acquisition of properties on the Beach was initiated during 1975, by the Province through the Hamilton Region Conservation Authority (HRCA), and the City of Hamilton.



From 1976 to 1985, 174 properties were acquired by the HRCA on a willing seller basis, at a cost of approximately \$4,000,000. The Province provided about 50 to 55% of the funding for these acquisitions. The properties were leased to the City, which was responsible for property maintenance. The Ministry of Transportation and Communications acquired approximately 95 properties, of which some were used for the widening of the Q.E.W. By the beginning of 1985, about 269 properties (40%) were in public ownership, and the remaining 416 properties (or 60%) were in private ownership.

Public opinion changed while the acquisition program was ongoing. Local citizens and groups expressed concern with the plans to acquire all Beach properties, and requested the preservation of the residential community. As a result, the acquisition program was halted in 1985, and a review was initiated of the feasibility of alternatives to full acquisition. The outcome of this review was the Hamilton Beach Concept Plan, which recommended a mixed use community.

### III PLANNING POLICIES AND GENERAL PROVISIONS

The Hamilton Beach Concept Plan was undertaken in 1986 by Moore/George Associates. It was carried out under the direction of the Hamilton Beach Steering Committee, which consisted of members of City and Regional Council, Beach residents, the Hamilton Region Conservation Authority, and other municipal and Provincial staff. The Concept Plan was completed in September 1987. It confirmed the feasibility of retaining the residential community.

The Concept Plan recommended that:

- Additional housing of various densities, parks and commercial uses be introduced to supplement the existing residential community;
- A continuous pedestrian "breezeway" be developed along the lakefront as a recreation corridor linking the Canal and Confederation Park, with access points at both ends of the Beach for users from the wider region; and,
- A buffer zone be provided adjacent to the Q.E.W., and lands near the Canal be developed for open space/recreational use.

The preparation of a neighbourhood plan and amendments to the Hamilton Official Plan were also recommended. The Concept Plan was adopted by City Council in November 1987 and by the Hamilton Region Conservation Authority in May 1988.

The Official Plan for the City of Hamilton designates the Beach for "Open Space", reflecting the earlier plans for a major park. An amendment to the Plan, Hamilton O.P.A. No. 62, was prepared to revise the designation for a portion of the Hamilton Beach area from "Open Space" to "Residential". Special Policy Area 10 was revised to delete most of the Hamilton Beach area, and a new Special Policy 10a was established. Revisions to the policies ensure that appropriate shoreline protection measures are taken within the shore front area, and that townhouses, low rise apartments and mixed commercial/residential uses are encouraged on both sides of Beach Boulevard between Kirk Road and Arden Avenue.



This amendment, Hamilton O.P.A. No. 62, is currently at the Region, awaiting appeal. The Hamilton Harbour Commissioners requested its referral to the Ontario Municipal Board. Hamilton O.P.A. No. 62 has not yet been dealt with by Regional Council, nor has it yet been referred to the Ontario Municipal Board. It will likely be referred to the Board if the objection cannot be resolved. To implement the Beach Neighbourhood Plan, Hamilton O.P.A. No. 62 is to be repealed, and a new O.P.A. is to be approved, reflecting the changes to the land use concept and special policy areas.

There is also an associated Regional O.P.A. No. 44, to amend the Regional Official Plan to reflect the Hamilton Beach Concept Plan, to which an objection had been received. Recent correspondence from the H.H.C. indicates their intent to withdraw their objection to Regional O.P.A. 44.

It should be noted that certain lands within the Hamilton Beach Neighbourhood are owned by the Hamilton Harbour Commissioners. Development of these and other lands within the Beach are affected by the mandate of the H.H.C. It is recognized that the Hamilton Harbour Commissioners have the paramountcy to regulate and control all lands within the Hamilton Harbour for shipping and navigation purposes.

A neighbourhood plan was required to refine the land use plan and policies of the Hamilton Beach Concept Plan. The neighbourhood plan addresses issues such as the types and location of different residential uses, which were included in the Concept Plan as ranges of options. It also defines the land use pattern in the Beach Centre, the higher density area. It defines the types and locations of commercial uses; the nature of open space areas, including the facilities within the waterfront recreation area, QEW buffer and local parks; the approaches for the acquisition and sale of property; heritage preservation measures; and urban design.

#### IV NEIGHBOURHOOD PLANNING PROCESS

The neighbourhood planning process ensures that the public and other stakeholders are fully involved in plan preparation. This process, as outlined in the flowchart in Appendix A, includes:

- Collection and compilation of background information on all relevant planning aspects;
- Establishment and meetings of an Advisory Committee consisting of residents, property owners, politicians, staff and others to review background information, hear technical presentations, identify planning issues and formulate proposed strategies;
- Preparation of draft plan (proposed land use options and draft policies) derived from discussions and presentations to the Advisory Committee;
- Review of draft plan by technical departments and the Advisory Committee;
- Presentation of draft plan at public meeting to invite comments from the general public;
- Adoption of final Neighbourhood Plan by Planning and Development Committee and City Council; and,



- Implementation of Neighbourhood Plan by means such as amendments to Official Plan, Zoning By-Law, and actions by municipal departments and any other affected agencies.

Ten meetings of the Hamilton Beach Advisory Committee were held between February and August, 1989. The Committee membership and meeting schedule is included in Appendix B. The members provided extensive feedback and recommendations concerning the many relevant issues such as housing densities, parkland, open space, heritage, etc., and also met later to review the draft plan. A detailed review of the need for playground facilities and equipment was undertaken by a committee of residents and Parks staff.

A draft neighbourhood plan was prepared based on the Advisory Committee's review of the issues. This plan was presented at the public meeting held on September 30, 1991. The draft plan was revised by staff, based on the comments received from municipal departments and agencies and the public, to develop the final proposed plan for the consideration of Committee and Council.

The policies which comprise the Hamilton Beach Neighbourhood Plan are contained in the following section. The land use map and open space schedule which complete the plan are contained in Appendices C and D, respectively.

Following its approval, the implementation of the plan will involve the municipal departments and agencies considering and/or carrying out the policies as included in the plan. It is proposed that the Beach Advisory Committee would continue to have an advisory role in the implementation process.



## V NEIGHBOURHOOD PLAN

### 1.0 RESIDENTIAL

#### 1.1 Goal

Hamilton Beach will be developed to retain the existing sense of community and low rise character, to allow for compatible growth to take advantage of new municipal services, and to provide a variety of housing types for households of different needs.

#### 1.2 Policies

##### 1.2.1 Single and Double Residential

- Permitted uses will include one and two family dwellings, similar uses and accessory uses as specified by the zoning by-law for individual districts.
- Larger lot infill with lot widths of approximately 15.0 m (50 ft.), will be located in areas of existing larger lots, particularly at the Canal (north) end of the Beach.
- Smaller lot infill with lot widths of approximately 10.0 m (33 ft.), will be located in areas of existing smaller lots, especially on the Bay (west) side of Beach Blvd., and close to the Beach Centre. This is the mixed-use area located on both sides of Beach Boulevard from Arden Avenue to Kirk Road. Modified zoning would be required to permit smaller lots.
- Densities will range from approximately 18 - 30 dwelling units per net hectare (7 to 12 units per net acre), depending on the area and size of lots.
- The shape and configuration of new lots as well as their size and building setbacks, may be adjusted to reflect the density and configuration of existing development in the immediate vicinity.
- Various housing styles will be encouraged, as much as possible, to reflect or complement the historical waterfront character of the Beach community.
- Building heights will be limited to a maximum of two and a half storeys, as specified by the zoning by-law for individual districts.
- In a location where there are currently many single and double family dwellings, and/or in a location outside the Beach Centre, additional areas of "single and double" residential development may be permitted. This would require amendment(s) to this plan.



### 1.2.2 Attached Housing

- Permitted uses will include townhouse dwellings, street townhouses and associated uses as specified by the zoning by-law.
- These areas will be located within or near the Beach Centre, on the Bay side of Beach Boulevard.
- Densities will be approximately 35-45 dwelling units per net hectare (14 - 18 units per net acre).
- Housing styles will be encouraged, as much as possible, to reflect or complement the existing character of the Beach, and to blend in with the existing and proposed low density housing in the vicinity. This will be addressed at the site plan stage, where applicable.
- Building heights will be limited to a maximum of two and a half storeys.
- Amenities to be encouraged include screening and buffering to/from adjacent uses, and playgrounds and common areas, where appropriate. Site plan control will be used to guide landscaping, building location and massing.
- Townhouse developments will be encouraged to include a variety of styles and groupings, especially smaller blocks of six units or less.
- In a location on the Bay (west) side of Beach Boulevard, in areas of predominantly vacant land or land with potential for redevelopment surrounded by compatible development, and/or in a location close to the Beach Centre, additional areas for attached housing may be permitted. This would require amendment(s) to this plan.

### 1.2.3 Low Density Apartments

- Permitted uses will include multiple dwellings such as small apartment buildings (walkups and garden apartments), and similar uses as specified by the zoning by-law.
- This area will be located within the Beach Centre, on the Bay (west) side of Beach Boulevard.
- Densities will be approximately 35-75 dwelling units per gross hectare (15 - 30 units per gross acre).
- Housing styles will be encouraged, as much as possible, to reflect or complement the existing character of the Beach, and to blend in with the existing low density housing in the area.



- Building heights will be limited to three storeys.
- Amenities to be encouraged include screening and buffering to/from adjacent uses, and common areas where appropriate. Site plan control will be used to guide landscaping, building location and massing.
- Within the Beach Centre, on the Bay (west) side of Beach Boulevard, additional areas of low density apartments may be permitted. This would require amendment(s) to this plan.

#### 1.2.4 General Housing Policies

- A variety of housing densities, types and tenures will be encouraged to ensure a relatively self-sufficient neighbourhood with accommodation for all age groups including singles, young couples, families, seniors and households requiring affordable housing and special needs accommodation.
- 25% of the new housing units to be provided on the Beach will be in the affordable range as defined by the Province.
- Where a property is designated for long term acquisition, consideration may be given, where appropriate, to relocating associated houses which have architectural or historical value. These could be relocated to vacant lots on the Beach, possibly by means of land exchanges. Any relocations of houses would be at the expense of the owners.
- Where a property is designated for long term acquisition, land exchanges may be considered, where these properties could be exchanged with vacant residential lots of equal value, located elsewhere on the Beach. This would enable Beach residents to relocate to within the neighbourhood.
- Home occupations are permitted within all residential dwellings in the neighbourhood, according to the requirements in the zoning by-law specifying the nature and size of these uses.
- In areas of the Beach where high noise levels may be identified as a concern, new residential dwellings will be designed and built to protect residents from noise generated by the Q.E.W. Skyway. This will be done by means of providing the required design features such as central air conditioning, double exterior walls, triple glazed windows, etc. as may be required by reviewing agencies such as the Ministry of Environment.
- New residential dwellings will be located and built in a manner to ensure adequate protection from the high water table and occasional flooding in this area. This will be done by means of the creation of an open space buffer on the Bay (west) side of the Beach, and attention to building design.



- The compatible restoration and upgrading of existing homes on the Beach will be encouraged, to ensure that the existing housing stock is maintained in good condition and in a manner compatible with the character of the area.



## 2.0 PARKS AND RECREATION

### 2.1 Goal

A co-ordinated system of parks and recreation will be developed to provide:

- A focus for recreation at the Canal lands serving tourists and community-wide users;
- A continuous recreation and pedestrian link along the lakefront between the Canal lands and Confederation Park;
- A green buffer between the residential areas and the Q.E.W.; and,
- Parks and playgrounds throughout the neighbourhood.

### 2.2 Policies

#### 2.2.1 Canal Recreation Area

- The location of this area is from the Canal to south of the junction of Beach Boulevard and Eastport Drive.
- It is recognized that the Hamilton Harbour Commissioners have the paramountcy to use their lands for shipping and navigation purposes, including the lands which they own on both sides of Beach Boulevard within the Canal Recreation Area, and that these lands will be used for these purposes. Parks and recreation uses will be designed and developed to recognize shipping and navigation uses as carried out by the Hamilton Harbour Commissioners. No parks, playgrounds or other recreational uses will be located on any HHC lands, except by their approval.
- The Hamilton Harbour Commissioners, the City of Hamilton, and any other owners will be encouraged to jointly prepare a strategy for the planning and development of this area.
- Permitted uses, to serve tourist-oriented needs, include water-related and supporting recreational uses, e.g. theme park, amusement park, recreationally-oriented commercial uses, boating facilities, interpretive centres, craft centres, etc., and related parking areas.
- Facilities to serve community needs will also be permitted, including sports fields and accessory uses. These fields for baseball, soccer and other sports will be considered for the area at the junction of Beach Boulevard and Eastport Drive, on the south side.
- Comprehensive planning and development of the Canal Area will be encouraged, to ensure:



- pedestrian and cyclist links, providing access through the area, especially to the adjacent shorelines, and connecting to pedestrian and cyclist links along the Lakefront and in Burlington;
- retention and enhancement of existing features where appropriate, including the lighthouse and views;
- recognize shipping and navigation uses of the Hamilton Harbour Commissioner lands;
- parking and amenity areas for users of the lakefront recreational area and Breezeway, located on the lake side of the Beach; and,
- design and features which are complementary to recreation facilities proposed for Burlington Beach.

#### 2.2.2 Lakefront

- The location of this area is on the Lake Ontario lakefront, along the length of the entire Beach Neighbourhood, from the water's edge to the limits of the residential district.
- A suitable agency or agencies will be requested to assume the responsibility for the design, construction and operation of this area.
- Permitted uses include parkland, open space areas, minor recreational uses and accessory uses.
- The provision of these uses and activities on the lakefront will recognize shipping and navigation uses of the Burlington Canal and the HHC lands.
- The Lakefront will provide:
  - a continuous pedestrian and cyclist link or "breezeway" along the entire length of the Beach lakefront, connecting the two major recreational focal points, namely Confederation Park and the Canal Recreation Area (and thus to Burlington Beach);
  - preservation and enhancement of the natural landscape, including shoreline protection measures, retention of wildlife habitats (terrestrial and aquatic), and of the Beach eco-system, as much as possible;
  - minimal impact on adjacent residents, assisted by planned design of the breezeway, public input into its design, use of appropriate landscaping and fencing, staged implementation, and related safety measures and policing;
  - links to local parks and playgrounds along the Beach; and,



- access points for lakefront users, including major access areas with parking space, located at both ends of the Beach, as well as access by means of numerous side streets and parks (shown on map in Appendix D).

### 2.2.3 Green Buffer

- The location of this area is on the Bay (west) side of the Beach, adjacent to the Q.E.W. Highway.
- A suitable agency or agencies will assume the responsibility for the design, construction and operation of this area.
- Permitted uses include natural areas, landscaping, parking and accessory uses.
- The green buffer will serve as:
  - a landscaped area providing a visual barrier between the developed neighbourhood and the Q.E.W.;
  - a means of providing distance separation between the Q.E.W. and adjacent residential uses, to help reduce the impacts of noise and air pollution;
  - an area of water collection to minimize flood and groundwater damage; and,
  - parking and amenity areas, at two or three points along the Beach (as shown on Appendix D) for users of the lakefront recreational area. These areas should be well landscaped, to be compatible with the green buffer concept.

### 2.2.4 Parks and Playgrounds

- These areas are located at intervals along the Beach, approximately 1 km or less apart, in order to be as accessible as possible to all neighbourhood residents.
- The Public Works Department, Parks Section will assume the responsibility for the design, construction and operation of these areas.
- Permitted uses include landscaped parkland, playgrounds and accessory uses.
- An area on the Bay side of Beach Boulevard, in the Beach Centre is designated for Parks and Playgrounds in the short term, for use as a parking area for users of the lakefront recreational area, if needed. In the long term, this site will be reviewed for community uses such as meeting rooms and educational uses such as a small school site, should this be warranted by changes in the student population. This is assuming that other arrangements can be made to accommodate the parking needs associated with the lakefront area.



- Parks and playgrounds will function as both self-contained recreational areas, and as links to the Lakefront (for those located on the Lake side of the Beach). They will be developed and upgraded as necessary to reflect the needs of neighbourhood residents.



### 3.0 COMMERCIAL

#### 3.1 Goal

Commercial areas will be designated to serve a range of needs, including:

- Neighbourhood commercial areas for daily goods and services;
- Community commercial areas for goods and services required regularly; and,
- Tourist commercial areas to serve visitors and residents with specialty commercial and recreational uses.

#### 3.2 Policies

##### 3.2.1 Neighbourhood Commercial

- These areas are located at intervals along the Beach, preferably no more than 1 km apart, particularly in areas where there are no other types of commercial uses.
- Permitted uses include commercial establishments which generally provide goods and services for the daily needs of Beach residents, such as variety stores, hairdresser, etc. and accessory uses.
- Neighbourhood commercial areas will be designed to be:
  - in the form of small groups of establishments;
  - limited to no more than three storeys in height; and,
  - combined with a residential component, where possible.

##### 3.2.2 Community Commercial

- These areas are located within the Beach Centre, on the Bay (west) side of the Beach Boulevard.
- Permitted uses include commercial establishments which generally provide goods and services for the weekly needs of Beach residents, such as grocery stores, drug stores, business and professional offices, etc. and accessory uses.
- Community commercial areas will be designed to be:
  - combined with a residential component, where possible; and,
  - limited to no more than three storeys in height.



### 3.2.3 Tourist Commercial

- These uses are located in areas near the Canal (north) end of the Beach, and within the Beach Centre.
- Permitted uses include restaurants, recreational and entertainment uses, etc. and accessory uses, to serve tourists and visitors to the Beach as well as residents.
- Tourist commercial areas will be designed to be limited to no more than three storeys in height.

### 3.2.4 General Policies

- Commercial uses of all types will be designed to include:
  - sufficient accessible on site parking;
  - adequate landscaping and buffering of uses from adjacent residential uses;
  - business signs and lights which are directed away from and shielded from adjacent residential uses;
  - incorporation of residential units into compatible commercial uses; and,
  - adaptive reuse, where possible, of existing buildings to retain the character of the Beach, or the use of new buildings of compatible design.



#### 4.0 CIVIC AND INSTITUTIONAL

##### 4.1 Goal

Community facilities of educational, cultural, religious and related types serving the residents of the Beach Neighbourhood should be easily accessible.

##### 4.2 Policies

- 4.2.1 Existing and any future religious institutions such as churches and other places of worship will be designated Civic and Institutional. Such uses will be encouraged to provide landscaping, and to be designed so as to reflect the character of the Beach.
- 4.2.2 The Bell Cairn Employee Development Centre is designated Civic and Institutional, and will be encouraged to continue its efforts to accommodate the needs of area residents, by means such as sharing facilities, e.g. meeting rooms and parking, where possible.
- 4.2.3 The Beach Rescue Association will be encouraged to allow continued public use of its community hall, which is designated Civic and Institutional.
- 4.2.4 An area on the Bay side of the Beach Centre will be designated for Parks and Playgrounds, and used for open space and as a parking area for users of the lakefront recreational area in the short term. This area will be reviewed for community uses such as possible meeting rooms and/or educational uses in the long term, should the need arise, and assuming that other arrangements can be made for such parking. Two or more incompatible uses will not be encouraged to exist in this area at the same time.



## 5.0 URBAN DESIGN AND HERITAGE

### 5.1 Goal

The Beach will be developed with special attention to urban design principles including conservation of architectural and historical character, and compatible high quality building design.

### 5.2 Policies

- 5.2.1 Heritage, waterfront and green space will be considered as design elements for the redevelopment of the Beach neighbourhood. These elements will be incorporated as much as possible into the design of new and renovated buildings, street furniture and lighting, gateway treatments, etc. for the Beach as well as for parks improvements.
- 5.2.2 Gateway treatments may be considered for the two entrances to the Beach, namely the Canal Area at the northern end, and the junction of Beach Boulevard and Eastport Drive at the southern end. These gateway treatments will include features such as landscaping and landmarks which incorporate the design elements for the Beach, and which provide distinct points of entrance to this neighbourhood.
- 5.2.3 The owners of the vacant lands under the Skyway Bridge at the canal will be encouraged to beautify these lands to enhance this gateway. It is recognized that the Hamilton Harbour Commissioners own a portion of these lands, and any beautification and improvements should be done so as to preserve and enhance shipping and navigation in the vicinity of the Canal, and in the entire Harbour.
- 5.2.4 The special features which are unique to the Beach, such as the Lift Bridge, the Burlington Canal which serves as the gateway to the Harbour, views to the Q.E.W. Skyway Bridge, the lighthouse and lightkeeper's house, etc. will be addressed in the planning of parks and recreational areas, and will be given special design attention. The designation under the Ontario Heritage Act of the lighthouse and lightkeeper's house at the Canal, and the restoration of these buildings to create a feature of historical interest and interpretive value, will be encouraged.
- 5.2.5 The visual identity of the Beach Centre will be reinforced by greater density, preferably with mixed use buildings up to a maximum of three-storeys in height, pedestrian orientation, and other appropriate design features.
- 5.2.6 The treed boulevard which extends along much of the length of Beach Boulevard will be maintained, and will be enhanced and extended where possible.
- 5.2.7 Buildings which are designated under the Ontario Heritage Act will be preserved and enhanced.
- 5.2.8 Other buildings with architectural and/or historical significance, especially buildings listed by LACAC, will be preserved where possible, and enhanced by designation, where the owner is in agreement.



- 5.2.9 A Heritage Conservation District for the north-central portion of the Beach may be considered in order to retain the special character of this area, where there is presently a high concentration of heritage buildings. This would enable control over the type and scale of infill in this area, as well as the retention of existing heritage features of buildings.
- 5.2.10 The overall heritage character of the Beach will be enhanced where possible by various means to retain and recapture the historic features of the past, such as former landmark buildings, historic sites, features associated with the former Radial line such as signs indicating Station numbers, etc. This will be done by means such as historical plaques, information signs with a heritage design, street furniture and light standards which have a heritage design.
- 5.2.11 The general appearance and livability of Hamilton Beach will be upgraded by proper maintenance and improvement of facilities, including open space areas.



## 6.0 ENGINEERING SERVICES

### 6.1 Goal

Sanitary sewers will be extended to the Hamilton Beach Neighbourhood as soon as possible to replace the existing private septic systems, prior to the construction of new homes and businesses. Water services will also be upgraded as necessary.

### 6.2 Policies

- 6.2.1 Sanitary sewers will be designed and installed to serve the potential development proposed in the neighbourhood plan.
- 6.2.2 New development will be permitted following the installation of sanitary sewers.
- 6.2.3 Special funding may be sought, if considered appropriate, to assist with the costs of extending sanitary sewers to the Beach.
- 6.2.4 Major improvements to existing septic systems will not be permitted prior to the construction of new sewers.
- 6.2.5 The municipal water supply system will be upgraded by improvements on some of the side streets in the Beach neighbourhood, as determined necessary.
- 6.2.6 Storm sewer systems will continue to be monitored to ensure that they adequately serve the special drainage characteristics of the Beach, such as the high water table and relatively level topography.



## 7.0 TRANSPORTATION AND UTILITIES

### 7.1 Goal

Roadways and pathways for pedestrians and cyclists within the Beach Neighbourhood will be designed to provide for safe, efficient movement of vehicles and people. Utilities will be located to provide adequate service and to minimize land use conflicts with residential and open space uses, and shipping and navigation uses.

### 7.2 Policies

- 7.2.1 Through traffic will be directed towards major roadways, particularly Eastport Drive, and away from residential areas, by means such as roadway design and signage. Such traffic should not have adverse impacts on the industrial development within the Eastport lands.
- 7.2.2 The design of roadways, intersections and access points will be reviewed as necessary to ensure compatibility with adjacent land uses, especially in the section of Eastport Drive between the canal and Beach Boulevard, and at the south end of Beach Boulevard.
- 7.2.3 Higher density development should have access directly to Beach Boulevard.
- 7.2.4 Sufficient parking for residents and visitors will be provided for new residential development and redevelopment, with special regard to small lot infill on side streets. Sufficient parking will also be provided for other uses, such as commercial developments and the lakefront recreational area and breezeway.
- 7.2.5 The existing sidewalk system will be enhanced by new pathways, including along the proposed lakefront breezeway, to provide a comprehensive pedestrian link system. Safety and accessibility for all users, including the handicapped will be provided where possible.
- 7.2.6 Pathways for cyclists will be developed and enhanced, including along the proposed lakefront breezeway, to provide facilities to accommodate this form of travel.
- 7.2.7 Transit service will continue to play an important role on Hamilton Beach.
- 7.2.8 The Province will be encouraged to screen views and buffer noise related to the adjacent Q.E.W. Skyway, by means such as the provision of appropriate visual and noise barriers.
- 7.2.9 Dustfall in the neighbourhood should be minimized, as much as possible, especially from sources such as the winter salt and sand on the Q.E.W. Skyway or other sources which may exist.
- 7.2.1 Initiatives to study the relocation of utilities presently located along the Beach, such as the rerouting or burying of the Hydro transmission corridor and associated towers will be encouraged, as long as any changes have minimal impact on shipping and navigation uses. Existing Hydro towers and facilities will be recognized as permitted uses.



## 8.0 IMPLEMENTATION

### 8.1 Beach Advisory Committee

The existing Beach Advisory Committee, which provided input into the preparation of the neighbourhood plan, should continue to serve as a means for providing input on matters related to the implementation of the plan. The membership structure would be similar to that of the existing Advisory Committee, with the potential addition of new members. The Committee would be established subject to budget approval; and the availability of staff resources will affect the nature and operation of this Committee.

The Beach Advisory Committee would provide input to staff on matters related to the implementation of the neighbourhood plan, such as urban design and heritage initiatives, parks and recreation planning, and other recommended actions.

An alternative approach, if staff resources are limited, would be for ongoing public input into the implementation of the neighbourhood plan to be undertaken by the Beach Preservation Committee, which is the existing neighbourhood association, or a similar group, with limited staff involvement.

### 8.2 Policy Amendments

The Planning and Development Department, by means of the procedures required by the Planning Act and within their accepted practices, will undertake, with public participation as required:

- Amendments to the City of Hamilton Official Plan, to incorporate the approved land use plan and policies;
- Amendments to the Zoning By-Law;
- Amendments to the Hamilton Beach Neighbourhood Plan, if required in future, and periodic Plan Review; and,
- The preparation of site plan agreements.

### 8.3 Urban Design and Heritage

The Planning and Development Department, the Urban Design Committee and LACAC will consider the preparation of:

- Design guidelines for various land use types;
- Gateway treatments for the two entrances to the Beach, in consultation with the Hamilton Harbour Commissioners, taking into account the authority and intentions of the H.H.C.; and,



- Heritage initiatives, including:
  - inventories of heritage buildings;
  - additional designations with owner's consent;
  - notification of owners of listed buildings;
  - investigation of Heritage Conservation District plans;
  - preservation of landmarks, e.g. lighthouse; and,
  - dissemination of heritage information

#### 8.4 Parks and Recreation

Detailed individual development plans will be prepared for the various park and open space areas, using the Beach Neighbourhood Plan for overall direction, and with consultation between the various affected agencies:

- Plans for the Canal Recreational Area and the Lakefront Area, including the design and construction of the lakefront breezeway, will be co-ordinated by a suitable agency or agencies, with the Hamilton Harbour Commissioners, recognizing the authority and intentions of the Hamilton Harbour Commissioners to regulate shipping and navigation uses.
- Plans for the Green Buffer and the Parks and Playgrounds will be co-ordinated by a suitable agency or agencies.

#### 8.5 Other Ongoing Issues and Monitoring

The appropriate affected departments and agencies, through co-ordination by the Planning and Development Department where appropriate, with the Beach Advisory Committee, will review implementation measures, establish priorities and take action on:

- Installation of sewers and associated infrastructure improvements, e.g. roadway upgrading;
- Strategy for property sales and acquisitions, especially for publicly-owned land, including the disposition of vacant parcels, development approvals, design briefs, development competitions and possible relocation of buildings. This will be done with input from all affected land owners, including the Hamilton Region Conservation Authority; the Hamilton Harbour Commissioners; the Ministry of Natural Resources, the Ministry of Transportation and the City of Hamilton;
- Possible funding for community improvement under the PRIDE program, with the Public Works Department and Parks Staff Committee;
- Mitigation of environmental factors such as air and noise pollution; and,
- Monitoring of need for educational facilities and recreational services.



APPENDIX "B"  
(continued)  
HAMILTON BEACH ADVISORY COMMITTEE  
MEETING SCHEDULE AND TOPICS

<u>MEETING DATE</u>	<u>DISCUSSION TOPICS</u>	<u>RESOURCE PEOPLE</u>
1. February 9, 1989	<u>Introduction</u> Neighbourhood Plan Process; Purpose of Committee; Beach History; Community Questionnaire	Neighbourhood Planning Section, Planning Dept.
2. February 23, 1989	<u>Environmental and Economic</u> Beach Concept Plan; Air Quality; Health Factors; Sewer Construction	Moore/George Associates Ministry of Environment; Health Dept.; Engineering Dept.
3. March 9, 1989	<u>Residential Development</u> Heritage Resources; Affordable Housing Needs; Non-Profit Housing	LACAC Staff; Social Planning and Research; City Non-Profit Housing Corp.
4. March 23, 1989	<u>Community Facilities</u> Single Family Housing; Recreation Facilities; Services; Provincial Training Facility	Planning Department; Culture and Recreation; Ministry of Correctional Services
5. April 13, 1989	<u>Local Recreation and Harbour</u> Waterfront Breezeway; Hamilton Harbour Commissioners Lands; Playgrounds and Parks; Community Development Programs	Planning Department; Harbour Commissioners; Parks Division; Community Development
6. May 11, 1989	<u>Regional Recreation</u> Confederation Park; Burlington Beach Waterfront Park	Hamilton and Halton Conservation Authorities; City of Burlington
7. May 25, 1989	<u>Transportation and Police</u> Roadway Design; Traffic Safety; Defensible Design; Crime Prevention	Ministry of Transportation; Hamilton-Wentworth Police
8. June 8, 1989	<u>Presentations by Members</u> Briefs by Committee Members on five issue areas	Committee Members
9. June 22, 1989	<u>Presentations by Members</u> Briefs by Committee Members on five other issue areas	Committee Members



<u>MEETING DATE</u>	<u>DISCUSSION TOPICS</u>	<u>RESOURCE PEOPLE</u>
10. August 24, 1989	<u>Highway Noise and Playgrounds</u> Noise from QEW Skyway; Development Concepts for Playgrounds	Ministry of Transportation; Parks Division
11. May 24, 1990	<u>Draft Neighbourhood Plan</u> Overview of Plan, Review of 3 Density Options; Open Space Uses; Parking	Planning Department; Committee Members
12. June 28, 1990	<u>Revised Draft Neighbourhood Plan</u> Overview of Plan; Open Space Issues; Lots of Record; Projected Population	Planning Department; Committee Members
13. May 9, 1991	<u>Review of Draft Neighbourhood Plan</u> Discussion of Plan by Issue; Preparations for Public Meeting	Planning Department

Notes:

- Several meetings of a Playgrounds Sub-Committee were also held, beginning on May 16, 1989, and June 20, 1989, to discuss playground needs.
- A public meeting on the proposed Beach Neighbourhood Plan was held on September 30, 1991.



## APPENDIX "B"

### HAMILTON BEACH ADVISORY COMMITTEE

#### MEMBERSHIP AND REPRESENTATION

(As of May, 1990)

##### MEMBERS

Reg Wheeler, Chairperson  
Michael Gagnon, Vice Chairperson  
Alderman Dominic Agostino, Vice Chairperson  
Alderman Fred Lombardo (former)  
Alderman Geraldine Copps  
Alderman David Christophersen (former)  
The Late Mayor Stan Napper, Stoney Creek  
Linda Marshall  
Bob Jaggard  
Ernestine Massignani  
Joanna Chapman  
Robert Helwig  
Dorothy Pocock  
Gil Simmons  
Elisabeth Nebesny  
James Howlett  
Sam Hobbs  
Teresa Kemp  
Linda Gendreau

##### REPRESENTING

Hamilton Beach  
Hamilton Beach  
City of Hamilton, Ward 5  
City of Hamilton, Ward 5  
City of Hamilton  
City of Hamilton  
Region of Hamilton-Wentworth  
Hamilton Beach  
Hamilton Beach  
Hamilton Beach  
Hamilton Region Conservation Authority  
Hamilton Region Conservation Authority  
Hamilton Region Conservation Authority  
Citizen at Large  
Hamilton Beach  
Hamilton Beach  
Hamilton Beach  
Hamilton Beach  
Hamilton Beach

##### STAFF ADVISORS

David Godley, Co-ordinator  
Vanessa Grupe  
Scott Konkle  
Bob Chrystian  
Konrad Brenner  
Angela Cipriani

##### REPRESENTING

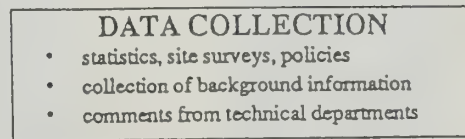
Planning and Development Department  
Planning and Development Department  
Hamilton Region Conservation Authority  
Parks Division, Public Works Department  
Engineering Department  
Real Estate Division

**Note:** Other staff resource persons, interested residents and owners also attended occasionally.

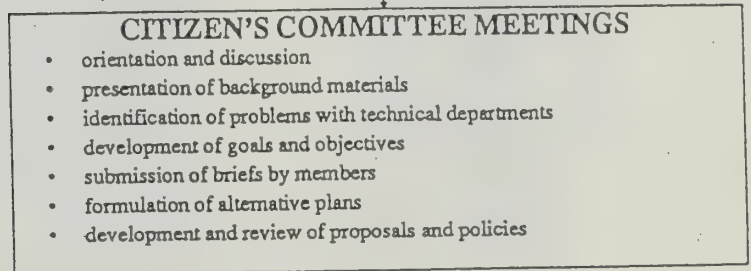


**APPENDIX**  
**NEIGHBOURHOOD PLANNING PROCESS**

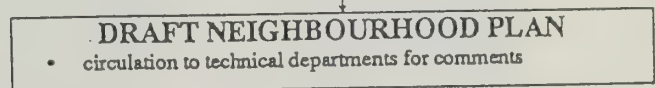
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**PLAN PREPARATION**



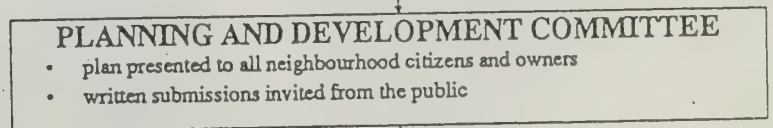
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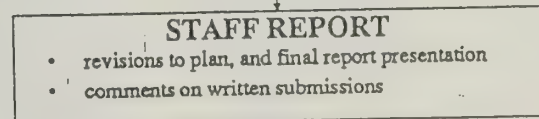
**PUBLIC MEETING APPROVAL**



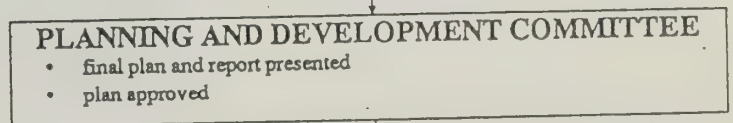
**PUBLIC MEETING**



**STAFF REVIEW**



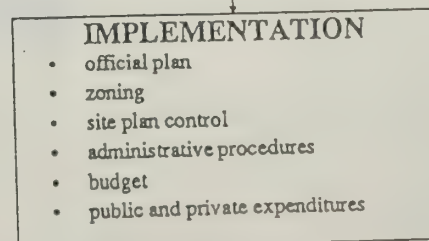
**PLANNING COMMITTEE REVIEW**



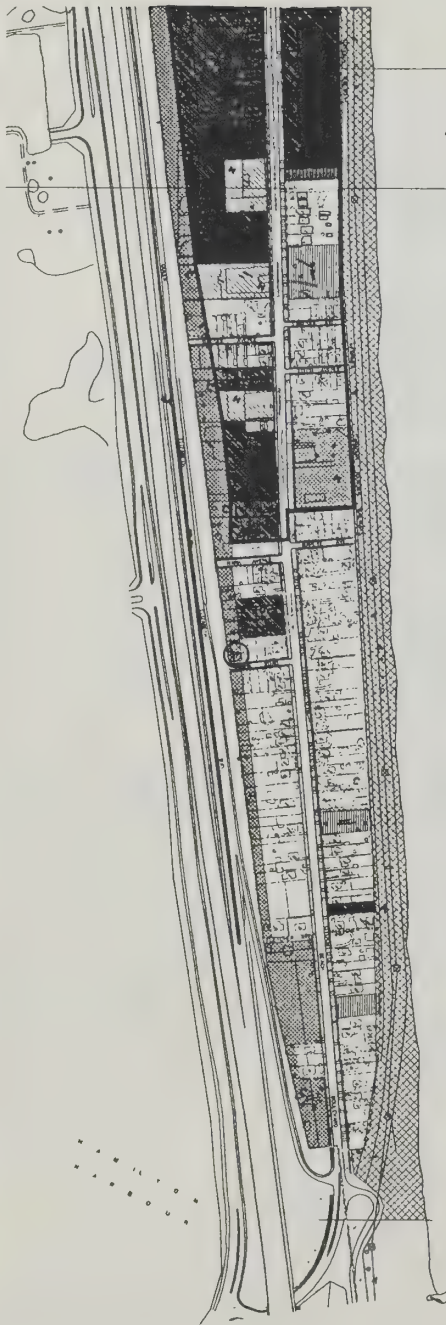
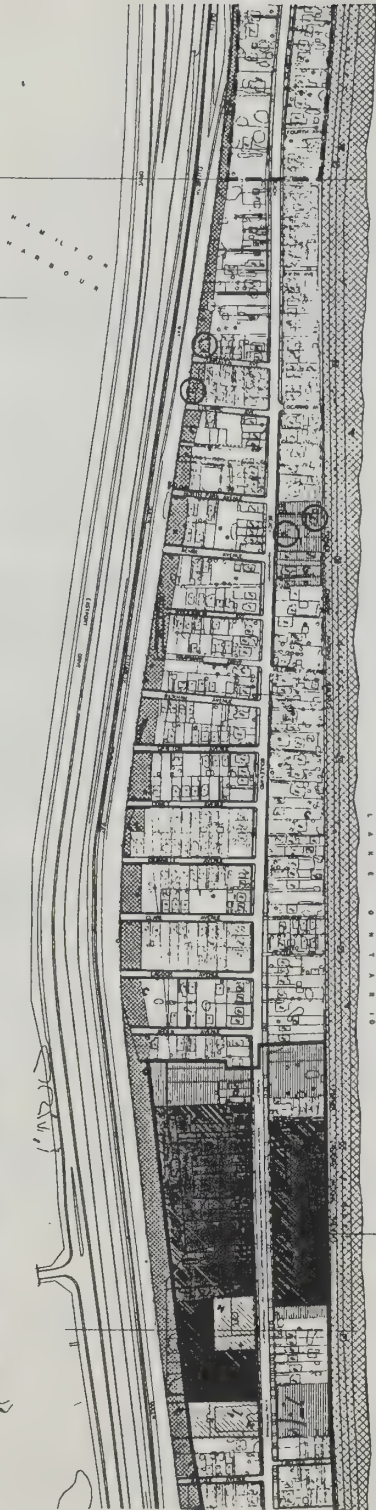
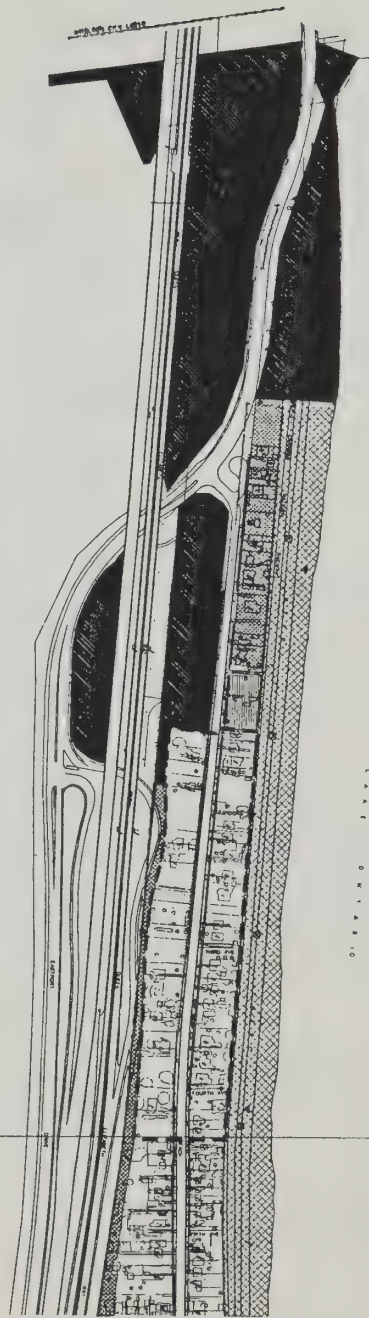
**COUNCIL ADOPTION**



**IMPLEMENTATION**







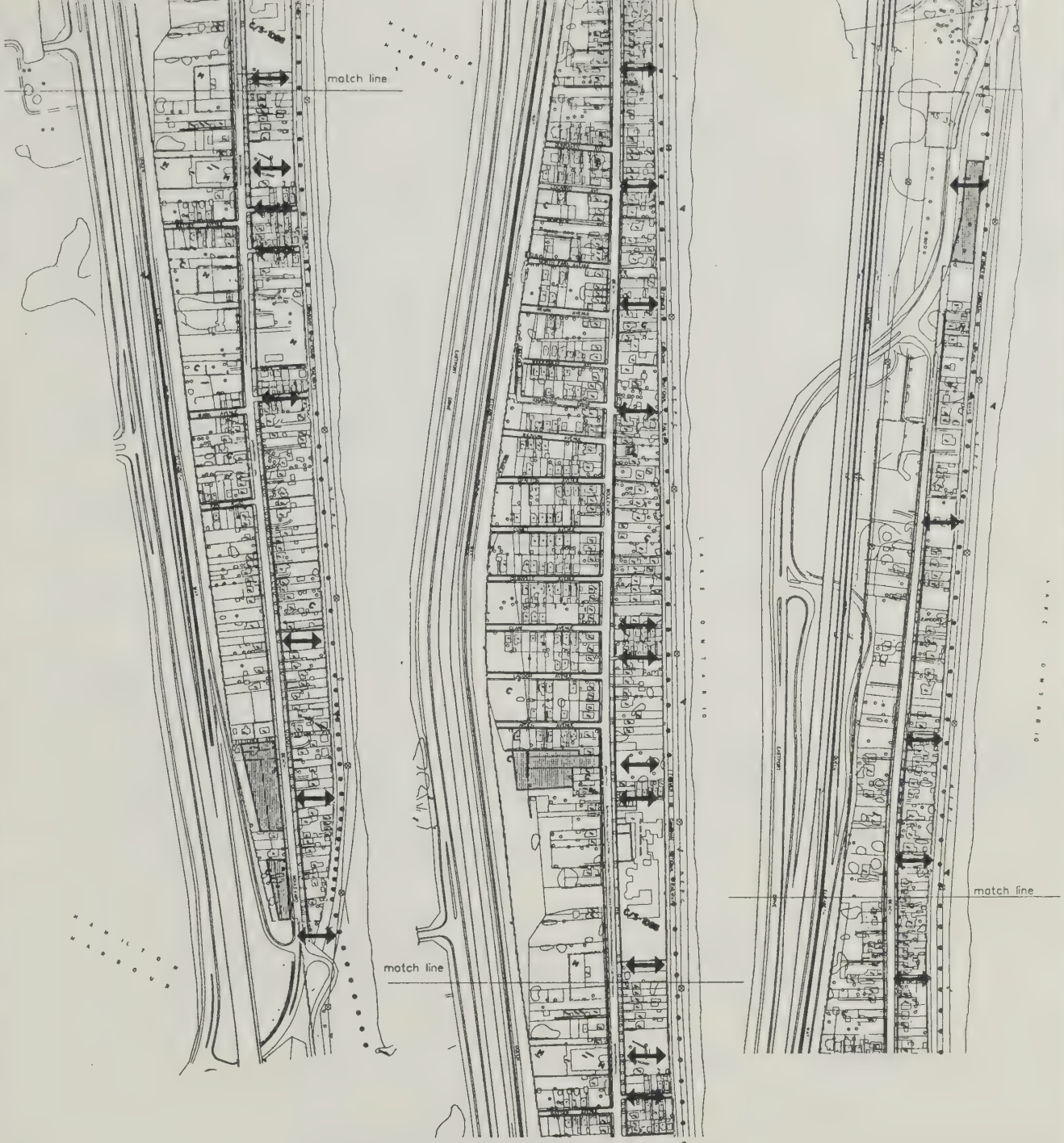
# CITY OF HAMILTON Hamilton Beach Neighbourhood PROPOSED PLAN

- LEGEND**
- 1 & 2 FAMILY RESIDENTIAL
  - ATTACHED HOUSING
  - LOW DENSITY APARTMENTS
  - NEIGHBOURHOOD COMMERCIAL
  - COMMUNITY COMMERCIAL
  - TOURIST COMMERCIAL
  - LAKEFRONT AREA
  - PARKS & PLAYGROUNDS
  - CANAL RECREATION
  - GREEN BUFFER
  - CIVIC & INSTITUTIONAL
  - POSSIBLE HERITAGE DISTRICT
  - BEACH CENTRE
  - LONG TERM ACQUISITION

Original Concept Design  
Developed by the Planning and  
Development Department  
Technical and Cartographic Services







CITY OF HAMILTON  
Hamilton Beach  
Neighbourhood  
PROPOSED PLAN

LEGEND

- APPENDIX 'D'  
OPEN SPACE SCHEDULE
- ..... LAKEFRONT PED. BICYCLE PATH
  - ACCESS LINKS VIA :
  - EXISTING STREETS
  - OPEN SPACE AREA
  - PARKING AREA

Computer Generated Drawing  
Prepared by the Planning and  
Development Department  
Technician and Cartographic Section









10.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

RECEIVED

**DATE:** 13 May 1992  
ZA-91-54  
Gibson Neighbourhood

MAY 13 1992

CITY CLERKS

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification of zoning - No. 276 Sanford  
Avenue North.

**RECOMMENDATION:**

- A. That approval be given to amended Zoning Application 91-54, Antony C. Dabner and David D. Hill, owners, for a modification to the established "K" (Heavy Industry, etc.) District regulations, to permit the established two-family dwelling, on property located at No. 276 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
- ii) That the "K" (Heavy Industry, etc.) District regulations as contained in Section 17 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - a) That notwithstanding Section 17.(1) of By-law No. 6593, a two-family dwelling shall be permitted only within the existing building;
    - b) That notwithstanding Section 18A.(7) of By-law No. 6593, the two required parking spaces shall have dimensions of not less than 2.64 m wide and 6.0 m long.
  - ii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-21 be notated S- ;
  - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-21 for presentation to City Council;
  - iv) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area.



- B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has acquired an adjoining parcel of land to the north (measuring 12.0 ft. x 50.26 ft.) to provide for the two required parking spaces. As the required adjacent parcel is part of a City alley, the applicant shall follow the usual alley closing and sale procedures to acquire the said parcel.

#### **EXPLANATORY NOTE:**

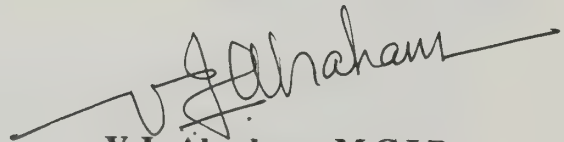
The purpose of the By-law is to provide for a modification to the established "K" (Heavy Industry, etc.) District regulations for property located at No. 276 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to legalize an existing two-family dwelling. In addition, the By-law provides for the following variance as a special requirement:

- to permit two parking spaces having minimum dimensions of 2.64 m wide x 6.0 m long, whereas minimum dimensions of 2.7 m wide x 6.0 m long are required.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

- Proposal

It is the applicants' intention to amend the established "K" (Heavy Industry, etc.) District to legalize the established two-family dwelling. On the basis of information provided, the first floor dwelling unit has a minimum floor area of 61.26m<sup>2</sup> (659.49 sq.ft.), the second floor dwelling unit has a floor area of 89.87m<sup>2</sup> (967.38 sq. ft.), and the lot has an area of 243.64m<sup>2</sup> (2,622.57 sq.ft.). Two stacked off-street parking spaces are currently being provided. The parking spaces are located in the front yard and partly in the public unassumed alley to the north.

The rear yard (indicated as a parking area by the applicant) is completely enclosed by a board fence and is inaccessible. The applicant has advised that the two-family dwelling use was established five years ago.



- Planning and Development Committee Meeting

At its meeting held on January 22, 1992, the Planning and Development Committee Tabled the application at the applicants request, in order to allow him to explore the possibility of closing the public unassumed alley to the north of his property, and to acquire it from the City, to provide for the two required parking spaces.

- Application to Close the Alley

On January 28, 1992, the applicant filed an application with the Hamilton Wentworth Roads Department to have the portion of the public unassumed alley to the north of the property closed. For the information of the Planning and Development Committee, this process can be time consuming (approximately 1 to 1 1/2 years), and if approved, requires a Judges Order to finalize the closure.

- Meeting With Applicant

During February, 1992, the applicant met with representatives of the Traffic Department, the Roads Department and the Building Department to discuss the alleyway closure and the proposed location of the required parking spaces. Two proposal were presented by the applicant (see survey plans "B" and "C" attached).

Plan "B" (see attached copy) shows the applicant's lands, and a proposal to divide the ownership of the alley lands on an east - west basis between the applicant and the owner of the lands to the north. This proposal saves the majority of the natural tree line at the rear of the applicant's lands, and would satisfy all parking requirements, except it establishes a minor variance (approximately 5") to the overall width of the parking area.

Plan "C" (see attached copy) shows the alley lands divided equally between the two adjoining property owners, with the parking provided in the applicant's rear yard. This option would require a long driveway from Sanford Avenue to the parking spaces, and would result in the removal of the existing trees.

The Traffic Department and the Planning and Development Department consider Plan "B" to be the best option, and would be prepared to support a minor variance to the width of the parking spaces proposed.

**APPLICANT:**

Antony C. Dabner and David D. Hill, owners.



**COMMENTS RECEIVED:**

- The Building Department has advised that:

"There are no "Orders" on the building. According to our files, which go back to 1961, this house has always been a single family dwelling."

- The Traffic Department has advised that:

"A two-family dwelling is required to have two parking spaces. The application shows a parking area at the rear of the site but a site visit showed the parking area to be completely enclosed by a board fence and inaccessible. Also, access to the parking area is by two alleyways which are both public unassumed and, therefore, free and clear access cannot be guaranteed."

In addition to the foregoing comments the Traffic Department submitted the following comments:

"We have reviewed options and agree that option "B" seems most reasonable. We would support the required variance for parking space width to 17.3 feet (for two spaces). Also agree approval should be conditional on closure and purchase of adjacent alley in order to provide one or other option illustrated."

- The Hamilton Wentworth Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. According to the plan submitted, the existing hedges encroach into the Sanford Avenue road allowance.

This encroachment is contrary to the City of Hamilton Streets By-Law and remains at the sole risk of the owner. The alleyway adjacent to and to the rear of the subject lands is public unassumed. Therefore, the City cannot guarantee free and clear access to the proposed parking area at the rear of the subject lands."

- The Ministry of the Environment has advised that:

" We understand that the lands subject to the captioned rezoning application contain a three-story, two family dwelling which has been used for residential purposes for over 50 years.

The current owners wish the zoning change from "K" to "D" to recognize this use and to remove the property from a legal non-conforming status.

You may be aware that a proposal to rezone the neighbouring property at 286 Sanford Avenue North for residential use was initiated in 1989.



In that instance, the change proposed was from "K" to "E" (Multiple Dwellings, Lodges, Clubs, etc.) to permit conversion of a former office building to residential apartments. In brief, we recommended against the proposal on grounds that the site bounds upon the main industrial area of Hamilton, and in particular, that it lies adjacent to the heavy industrial operations of Westinghouse Canada Inc. which generate high noise levels periodically. Our opposition and that of Westinghouse and of Slater Industries Inc. led to an Ontario Municipal Board hearing. The Board rejected the zoning by-law amendment as well as Amendment No. 89 to the City's Official Plan which it was intended to implement.

The current proposal is unlike that under OPA No. 89 in that residential uses are already in place; therefore, Official Plan policies A.2.3.7 and C.7.1 (vii) which weighed heavily in the Board's decision do not now apply. Nevertheless, the same sources of noise (principally operational testing of steam and gas turbines) which affect the vacant office building will affect also the home under present consideration.

We believe moreover, that such spot rezoning does not constitute good land use planning, particularly as lands immediately to the north, east and south will remain under "K" zoning, leading potentially to further environmentally based conflicts. It would be advisable to plan for transitional uses for the entire area between Myler Street and the "H" zoned lands along Barton Street East. In this area, light industrial or commercial operations which would be compatible with their surroundings, including the residential properties east of Milton Avenue, would be preferred.

In conclusion, although it is our recommendation that for reasons expressed above, the rezoning requested under Application No. 91-54 not be approved, we would not oppose any favourable decision on the part of Council given that the lands are under an established residential use. The same position would apply to a companion amendment to the Hamilton Official Plan."

- The Hamilton Region Conservation Authority has no comments or objections.

#### **COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan in that the subject lands are designated "INDUSTRIAL". However, should the application be approved, as a "NON-COMPLYING USE", an amendment to the Official Plan would not be required.
2. The proposal does not comply with the approved Gibson Neighbourhood Plan. However, should the application be approved, redesignation is not recommended.



3. Initially, Planning and Development Department Staff did not support the proposal, primarily because the two required parking spaces could not be provided on site. In this regard, the applicant has filed an application with the Hamilton Wentworth Roads Department requesting closure of the public unassumed alley to the north of the property. If successful, the applicant intends to acquire the alley lands from the City to provide the two required parking spaces on part of the applicant's lands and on the acquired lands. On this basis, the proposal would satisfy the parking requirements of the Zoning By-law.

In light of the foregoing, the amended application has merit and can be supported for the following reasons:

- i) it would be consistent with the intent of the "Housing Intensification Strategy" adopted by City Council on June 25, 1991, which will permit, as-of-right, one accessory apartment within an existing single-family dwelling in certain Residential Districts. In this regard, the converted dwelling will have the two required off street parking spaces, and one dwelling unit is slightly below the minimum floor area requirement ( $65\text{m}^2$  (699.65 sq.ft.) vs  $61.26\text{m}^2$  (659.49 sq.ft.));
  - ii) it would be compatible with established development in this area comprised of single-family dwellings, multiple dwellings and a park;
  - iii) it would not aggravate any situation detrimental to adjacent complying uses;
  - iv) it does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
  - v) it does not interfere with desirable development in adjacent areas that are in conformity with the Official Plan.
4. The Traffic Department has reviewed the parking layouts proposed by the applicant and, subject to closure and acquisition of the alleyway from the City, they would support plan "B" (see attached copy) which provides for two parking spaces @  $2.64\text{ m} \times 6.0\text{ m}$  instead of  $2.7\text{ m} \times 6.0\text{ m}$  required, with the required  $6.0\text{ m}$  manoeuvring area. This plan is preferable, as it would eliminate the requirement for a long driveway, and as well, would preserve the treed area at the rear of the property.
  5. Approval of the application should be conditional upon the successful closure of the public unassumed alley and issuance of a Judges Order, and acquisition of these lands by the applicant from the City. In this regard, it is suggested that the amending By-law not be forwarded for passage by City Council until such time as these matters are resolved.



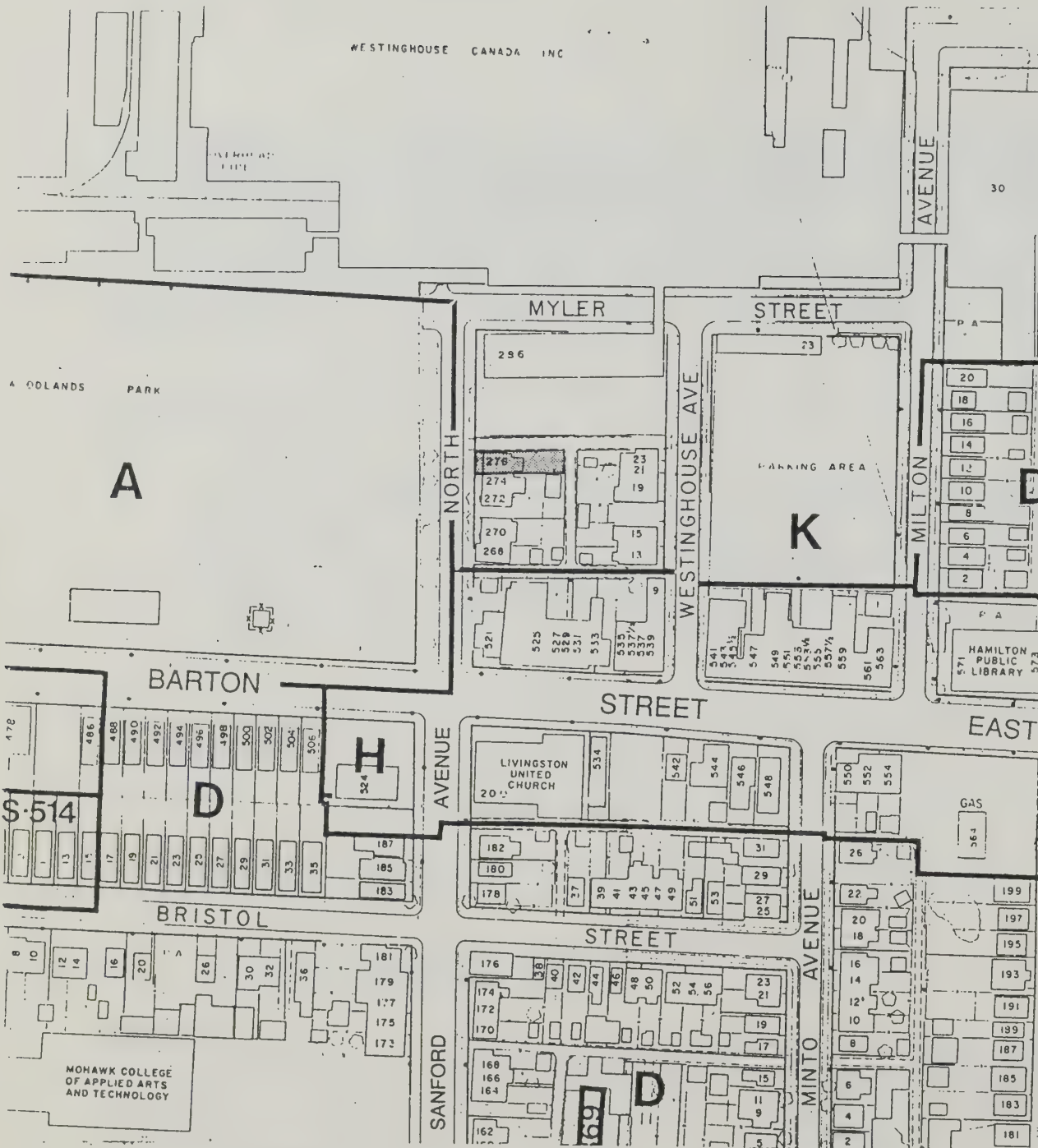
***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

GAW/ma  
ZA9154



WESTINGHOUSE CANADA INC



Legend



Site of the Application



APPENDIX A



A.J. CLARKE O.L.S.  
1937

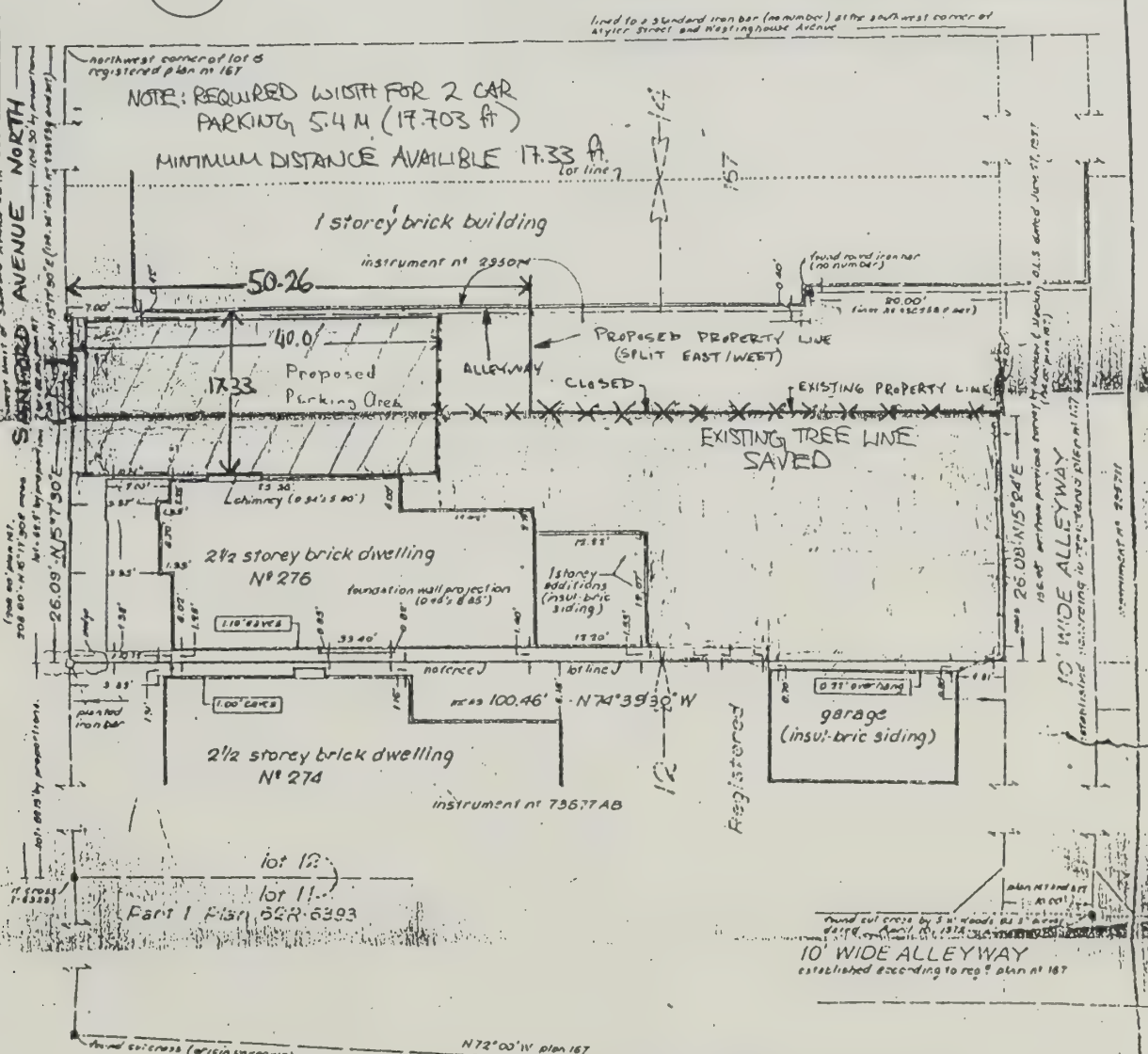
(B)

MYLER STREET

PROPOSED PROPERTY LINE

PRESENT PROPERTY LINE

PROPOSED PARKING AREA



Dr's Certificate:

This survey represented on this plan was  
set out on the 28th day of May 1937.

1937

A.J. Clarke  
Ontario Land Surveyor

BARTON STREET - AST  
original road allowance between col. sections 1 and 2  
Regional Road No. 24

Settled by astronomic and referred to  
limit of Barton Street 2331 on a plan  
as shown on registered plan No. 167.

North  
72° 00'

A.J. Clarke and Associates  
Engineers and Surveyors  
CITY OF WILKINSON

DEPARTMENT OF BUILDINGS

276 STANFORD HURON

Examined by: Date:

Approved June 14/37

zoning Only for Building

Commissioner

PER 2nd 7276 PLAN B







©

lined to a standard iron bar (no number) at the southwest corner of  
Attyler Street and Westinghouse Avenue.









CAY ON HBL ADS  
C51P4  
1992

J.J. SCHATZ  
CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700  
FAX: 546-2095

1992 June 18th

URBAN MUNICIPAL


JUN 9 1992

NOTICE OF MEETING

GOV 'MENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 June 24th  
9:30 o'clock a.m.  
Room 233, City Hall

  
Tina Agnello, Secretary

A G E N D A

9:30 o'clock a.m.

1. 11 - 13 Holmes Avenue
  - (a) Delegation -David Jardine
  - (b) L.A.C.A.C. Report - Proposed Demolition of Early 19th Century Log House at 11-13 Holmes Avenue.
  - (c) Building Commissioner Demolition Reports:
    - (i) 11 Holmes Avenue
    - (ii) 13 Holmes Avenue
2. Consent Agenda







9:45 o'clock a.m.

3. 820 Rymal Road West - Condition of Approval - ZA-89-94  
(Previously tabled)
  - (a) Commissioner of Planning and Development report
  - (b) City Solicitor - Confidential Information report
  - (c) Correspondence from Herman Turkstra dated 1992 May 22
4. Building Commissioner
  - 4.1 Cash-in-lieu - 1012 King Street West  
Delegation - Alderman M. Kiss
  - 4.2 Cash-in-lieu - 55 Lancing Drive
5. Lynda Morris correspondence dated 1992 May 29, regarding safety concerns.

Zoning Applications

10:30 o'clock a.m.

6. City Initiative 82-Q, to consider a number of general text "housekeeping" amendments to the City of Hamilton Zoning By-law No. 6593.
7. City Initiative 89-A, to consider general text amendments to the City of Hamilton Zoning By-law No. 6593 to establish new regulations for satellite dishes.
8. Zoning Application 91-57, Peter Georgakopoulos, owner, for a further modification to the "M-12" District regulations for property located at 1050 Rymal Road East; Hannon West Neighbourhood.
  - (a) Submission - Janice Lattin, Trans Canada Pipelines, Calgary







10: 45 o'clock a.m.

9. Zoning Application 92-13, Hillcrest Masonic Temple Corporation, prospective owner, for a modification to the established "C" District regulations for property located at 257-261 Mohawk Road West; Rolston Neighbourhood.
10. Zoning Application 92-15, 815488 Ontario Inc. (Nella Bradt), owner, for a further modification to the "DE-3" District regulations, for property located at 1489-1495 Upper Gage Avenue; Templemead Neighbourhood.
11. Zoning Application 91-12, Ivory's Restaurant, owner, for a further modification to the "E-3" District regulations, for property located at 25 Hess Street South; Central Neighbourhood.

(a) Submission - Jane & Paul Rigby, 74 George Street, Hamilton

11:00 o'clock a.m.

12. Zoning Application 92-03, Harper Brothers Holding, owners, for a change in zoning from "E-1" to "CR-3", modified, for property located at 212 James Street South; Durand Neighbourhood.
  - (a) Submission - F. Douglas Elliott, 17 Robinson St., #401, Hamilton L8P 1Y6
  - (b) Submission - Petition from various Neighbourhood Residents
  - (c) Submission - W. T. Scriven, 1508-33 Robinson St., Hamilton L8P 1Y8
13. Request for a modification to Zoning No. 547 and 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North - previously tabled (not a Public Meeting).
14. Private and Confidential Agenda
15. Other Business
16. Adjournment







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
ZA-91-82 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North	1992 March 4	Planning	Tabled - to resolve neighbour's concerns
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee Circulation on municipal projects	1992 March 25	Municipal Departments	Tabled - to solicit comments from - Municipal Depts & standing committees







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
170 1/2 MacNab St. N.	1992 MAY 6	Building	Tabled - Report Pending
ZA-89-94 Condition of Approval 820 Rymal Road West	1992 May 14	Planning	Tabled for further negotiations between 2 parties
Hamilton Beach Neighbourhood Plan	1992 May 14	Planning	To hold a public mtg.

1992 June 18







JUN 17 1992

161

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 June 17

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** PROPOSED DEMOLITION OF EARLY 19TH  
CENTURY LOG HOUSE AT 11-13 HOLMES AVENUE

**RECOMMENDATION:**

That a demolition permit not be issued for the property at 11-13 Holmes Avenue based on the building's architectural and historical value.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

An application for a demolition permit has been received by the Building Department; however, as this property is not currently "listed" on the City's Inventory of Buildings of Architectural and/or Historical Interest, the application was not referred to LACAC for comment. The application will be considered by the Planning and Development Committee at its next meeting to be held 1992 June 24.

The current owner proposes to construct two single-family dwellings on the site and applied to the Committee of Adjustment for a variance to permit front-yard parking. This application was denied by the Committee of Adjustment at its meeting held 1992 June 10.

This house is a rare surviving example of early log construction in the Hamilton area and to date, no other examples of slab log construction with clapboard siding have been found in the Hamilton area.

The house is thought to be the original homestead of early settler Samuel Bamberger, who purchased 102 acres of land in the West Hamilton area from John Binkley in 1806.



The original single-family dwelling was later converted into two dwelling units, most likely in 1907, when son Charles Bamberger sold the house to Burke & Co. The house was then moved just west of its original location (site of Emerson Street) onto Holmes Avenue in Burke's Annex. Subsequent alterations included the stuccoing of the original clapboard siding and the enclosure of the porch.

The Local Architectural Conservation Advisory Committee at its meeting held 1992 June 15 recommended that this building be listed on the City's Inventory of Architecturally and/or Historically Significant Buildings; that the Reasons for Designation be prepared for this property; and that the Planning and Development Committee be requested to not approve the issuance of a demolition permit for this property based on the building's architectural and historical value.

c.c. Victor Abraham, Director of Local Planning  
Ann Gillespie, Planning Department  
Alderman Mary Kiss, Ward 1  
Alderman Terry Cooke, Ward 1



CITY OF HAMILTON

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- RECOMMENDATION -

JUN 16 1992

**DATE:** 1992 June 11

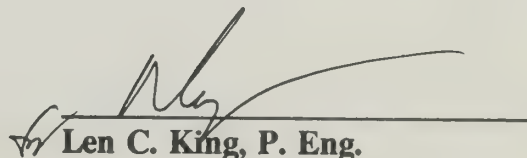
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
11 HOLMES AVENUE - Tag Number 86515

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 11 HOLMES AVENUE.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C/S-720" (Urban Protected Residential, etc.) Modified

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** 2 storey semi-detached stucco sided dwelling in good condition. It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. The owner has submitted a building permit application for the new home. Lot Size 25.00' x 100.00'

The owner of the property as per the demolition permit application is:

894223 Ontario Inc.  
103 Cheever Street  
Hamilton, Ontario L8L 5R8  
Telephone Number: 528-3790







CITY OF HAMILTON

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- RECOMMENDATION -

JUN 16 1992

**DATE:** 1992 June 11

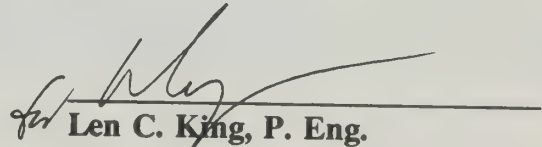
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
13 HOLMES AVENUE - Tag Number 86514

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 13 HOLMES AVENUE.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C/S-720" (Urban Protected Residential, Etc.) Modified

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** 2 storey semi-detached stucco sided dwelling in good condition. It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. The owner has submitted a building permit application for the new home. Lot Size 25.00' x 100.00'

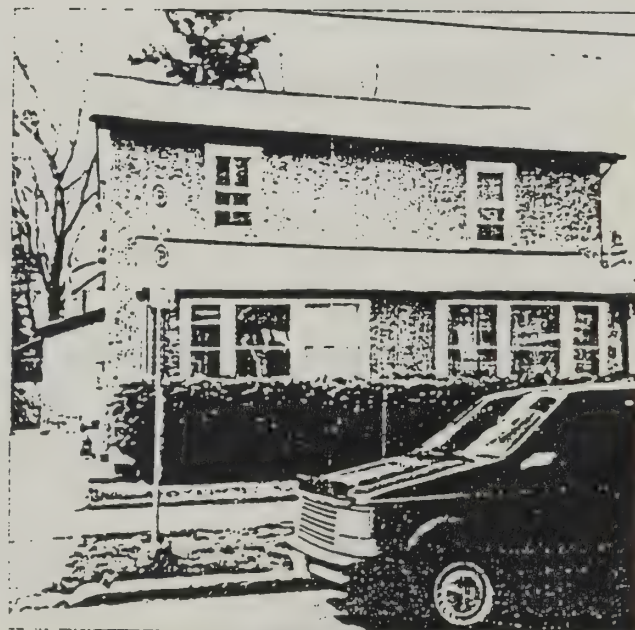
The owner of the property as per the demolition permit application is:

894223 Ontario Inc.  
103 Cheever Street  
Hamilton, Ontario L8L 5R8  
Telephone Number: 528-3790





Photograph taken after house was subdivided into two dwelling units: shows original clapboard siding and open verandah



House as it presently appears with stuccoed exterior and enclosed verandah.  
(Building Department photographs, May 1992)











**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 JUNE 24**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 May 20

**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

- (a) Designation - Church of St. Thomas, 16 West Ave. South
- (b) Heritage Permit Application - Rear Addition to designated Building at 235 Bowman St. ( Hamilton Hebrew Academy )

**C. MANAGER OF PURCHASING**

Landscape Improvement, Central / Beasley P.R.I.D.E., New Beasley Park

**D. DIRECTOR OF PUBLIC WORKS**

Commercial Improvement Programme - Paving of Alleyways - Westdale Village Business Improvement Area (B.I.A.)

**E. SENIOR DIRECTOR, ROADS DEPARTMENT**

Cash in lieu of 5% Parkland Dedication:  
Kingsveiw Estates-Phase 1  
Rymal Square Estates-Phase 1  
Rymal Square Estates-Phase 2

**F. DIRECTOR OF PROPERTY**

Release of Construction Covenants - Wentworth Tile and Terrazzo Limited, 200 Nebo Road, Hamilton.

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JUN 22 1992

GOV 'MENT DOCUMENTS



**G. BUILDING COMMISSIONER**

- (a) Heritage Programme - 455 Bay Street South
- (b) Heritage Programme - 150 Queen Street South
- (c) Commercial Facade Loan Programme  
321-341 Ottawa St. N. & 1078 Barton St. East
- (d) Demolition of : i) 492 Burlington Street East  
ii) 208 Welbourn Drive  
iii) 1505 Upper James Street  
iv) 487 Burlington Street East

**H. COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Revised Terms of Reference - Ferguson Avenue Redevelopment Advisory Committee
- (b) Site Plan Control Application DA-90-89 for a metal warehouse addition and site improvements at 164 Limeridge Road East
- (c) Site Plan Control Application DA-91-60 to amend DA-89-45 for a 152 unit apartment building at 430 Cumberland Avenue
- (d) Requested deletion of proposed walkway Draft Plan, Fontana Gardens between 826 and 832 West 5th. St., Gourley Neighbourhood
- (e) Carpenter proposed Neighbourhood Plan Policies
- (f) Urban Design Analysis - Central Buisness District Study

**I. INFORMATION REPORTS**

- (a) Building Commissioner - Demolition Permits during summer months
- (b) Commissioner of Planning and Development - Approved Site Plan Control Applications



A.

Wednesday, 1992 May 20  
9:30 a.m. O'clock  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico  
Alderman F. Eisenberger

Regrets: Mayor R. Morrow (City business)

Also present: Alderman D. Ross  
Alderman D. Agostino  
V. Abraham, Planning Department  
P. Mallard, Development & Urban Design, Planning Department  
J. Hickey-Evans, Policy Planning & Analysis, Planning Department  
B. Janssen, Planning Department  
L. Lanza, Planning Department  
P. Lampman, Building Department  
C. Unelli, Engineering Department  
R. Karl, Traffic Department  
M. Watson, Property Department  
J. McNeilly, Public Works Department  
D. Powers, Law Department  
T. Agnello, Secretary

1. DELEGATION - 820 RYMAL ROAD EAST, ZA-89-94 - CONDITION OF APPROVAL

The Committee was in receipt of a report from the the Commissioner of Planning and Development dated 1992 March 9 and a confidential report from the Law Department dated 1992 April 2. Herman Turkstra was present representing Anthony DiCenzo who was also present.

Mr. Fothergill was present representing Mr. Spenuk who was also present.

The Committee adjourned into camera to discuss litigation matters and reconvened immediately thereafter with the following report:

That the matter be tabled to the next regular Planning and Development meeting in order to allow the two parties to review alternative solutions to resolving the matter concerning the condition.

2. CONSENT AGENDA

A. APPROVAL OF THE MINUTES

The minutes of the meeting of 1992 May 6 were approved as circulated.



**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

**Tivoli Theatre - Heritage permit application for "Sam the Record Man" sign on south facade at 108 James Street North**

As recommended by the Secretary of L.A.C.A.C. in a report dated 1992 May 11, the Committee recommended to Council as follows:

That the City not oppose the issuance of a Heritage Permit to allow for the erection of a proposed temporary sign at 108-112 James Street North, subject to the terms contained in Appendix "A" as attached, and to the satisfaction of the City Solicitor.

**C. BUILDING COMMISSIONER****Demolition Permits**

As recommended by the Building Commissioner in various reports, the Committee recommended that the Building Commissioner be authorized to issue demolition permits for structures located on the following properties:

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 50 Imperial Street
- (b) 1184 Garth Street
- (c) 1491 Upper James Street
- (d) 1493 Upper James Street
- (e) 1499 Upper James Street
- (f) 1517 Upper James Street
- (g) 1523 Upper James Street

**D. ACTING DIRECTOR OF PUBLIC WORKS**

**North End East and West Neighbourhoods; amendment to the Community Improvement Project Area**

As recommended by the Director of Public Works in a report dated 1992 March 13, the Committee recommended to Council as follows:

- (a) That By-law No. 92-054 designating portions of the North End East and West Neighbourhoods as a Community Improvement Project Area for the purpose of implementing the P.R.I.D.E. Anti-Recession Programme be amended in order to include all of the proposed Project elements within the boundaries of the Community Improvement Project area as per the map attached as Appendix "B"; and,
- (b) That the City Solicitor be authorized to prepare the necessary By-law to amend the North End East and West Community Improvement Project Area in accordance with (a) above for submission to City Council.



**E. COMMISSIONER OF PLANNING AND DEVELOPMENT****(a) Federal Environmental Assessment Process - Radio Station Antennae**

As recommended by the Commissioner of Planning and Development in a report dated 1992 May 13, the Committee recommended as follows:

- (i) That the comments contained in the report "City of Hamilton Comments on Environmental Assessment Process Associated with Spectrum Management Activities", attached herewith and marked Appendix "C", be endorsed; and,
- (ii) That the City Clerk be directed to advise the Federal Minister of Communications of City Council's endorsement.

**(b) Proposed Draft Plan of Condominium - south side of Homewood Avenue, east of Dundurn Street South**

As recommended by the Director of Public Works in a report dated 1992 May 14, the Committee recommended to Council as follows:

- (i) That approval be given to application 25CDM-91002, Angelo Giacomelli, et. al., owners, to establish a draft plan of condominium located on the south side of Homewood Avenue, east of Dundurn Street South, subject to the following:

That the approval apply to the plan prepared by A. J. Clarke and Associates Limited dated 1991 April 9, showing a 4-plex building and 4 parking garages.

**F. INFORMATION REPORT**

**The Committee was in receipt of the following reports:**

- (a) Adult Video: City Solicitor dated 1992 May 12
- (b) Approved Site Plan Control Application: Commissioner of Planning and Development dated 1992 May 11

**3. ACTING DIRECTOR OF PUBLIC WORKS****3.1 Central/Beasley Program for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (PRIDE H.INT.) - Addendum to the Community Improvement Plan**

As recommended by the Acting Director of Public Works in a report dated 1992 May 11, the Committee recommended to Council as follows:

- (a) That the originally approved Community Improvement Plan for the Central/Beasley Community Improvement Project Area be modified by approving the Addendum, Appendix "D" (previously distributed to members of Council under separate cover) to implement the PRIDE Housing Intensification (PRIDE H.INT.) Programme; and,
- (b) That the Addendum to the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
- (c) That the City Solicitor be authorized and directed to prepare the requisite By-law.



4. ASSISTANT MANAGER OF PURCHASING**Consulting Services for the Central Beasley PRIDE H.INT. Programme**

As recommended by the Assistant Manager of Purchasing in a report dated 1992 May 15, the Committee recommended to Council as follows:

- (a) That a purchase order be issued to Johnson Sustronk Weinstein & Associates, Richmond Hill, in the amount of \$119,278.98 including all applicable taxes and a contingency allowance of \$13,088.84, for consulting services for the Central Beasley Pride H.I.N.T. Programme, being the lowest of four proposals received in accordance with specifications issued by the Manager of Purchasing and Vendor's submission.
- (b) That this expenditure be financed through Central Beasley PRIDE H.I.N.T. Programme Account No. CF5200 429102003.
- (c) That a contract be entered into satisfactory to the City Solicitor.

5. BUILDING COMMISSIONER5.1 **Cash-in-lieu of Parking - 1012 King Street West - Delegations**

The Committee was in receipt of a report from the Building Commissioner dated 1992 May 14.

The Committee was also in receipt of correspondence in objection of the cash-in-lieu from:

- (a) Anthony Wellenrester for Jacob Rozenweig and
- (b) Susan Holmes: Westdale Neighbourhood Association

Peter Lampman advised that the applicants wish to establish a 66 seat restaurant but cannot provide the required 12 parking spaces. The Committee of Adjustment approved a 22 seat restaurant with 12 parking spaces but this is presently being appealed to the Ontario Municipal Board. Staff is recommending denial of the requested cash-in-lieu because land use and traffic objectives are not satisfied and there will be spill-over effects to surrounding residential spaces.

John Monaco of 23 Woodside Drive, one of the applicants, felt that there is no parking problem because metered parking is provided. He stated that any type of business will require parking spaces. He stated that he would be willing to downgrade the seating further in order to open his business. He felt that the issue is not parking but the fact that he wants to establish a restaurant.

Mr. Wellenreiter, representing Mr. Jacob Rozenwig, appellant on the Ontario Municipal Board matter, was present. He believe that cash-in-lieu is not suitable and that the traffic situation and surrounding residential area should be considered.

Susan Holmes of the Westdale Neighbourhood Association was present in objection to the cash-in-lieu. She pointed out that both Traffic and Planning do not support the cash-in-lieu. She recommended that a planning and parking study be undertaken and that the results be incorporated into the neighbourhood plan.

Mr. Devor of 60 North Oval Drive and Sohn Sonki, a Westdale resident, were concerned about seating capacity. Mr. Lampman advised that capacity is presently at 68 seats.



Alderman Drury presented the Committee with a letter from Alderman Cooke in objection to the cash-in-lieu.

It was moved and seconded that the staff recommendation be approved.

Prior to voting on the motion, a discussion ensued regarding types of establishments located in the strip plaza and the requirement for some to provide parking while others do not.

Alderman Merling asked if all business establishments are required to provide parking to which Mr. Lampman replied that those established prior to the enactment of the by-law are not required to provide spaces. Mr. Lampman also advised that some businesses up to 5,000 square feet do not require parking. A grocery store would not be required to provide parking but a restaurant must provide 1 space for every 6 seats provided.

In response to a question from Alderman Charters, Mr. Lampman stated that the present required 12 spaces would cost \$102,000 in cash-in-lieu being \$8,500 for each space at 100% cost. Mr. Monaco advised that he does not have the funds to pay these costs and that he was of the understanding that almost no establishments are required to pay a 100% rate.

Alderman Eisenberger suggested that a compromise be reached regarding downsizing the establishment and reducing the number of parking spaces required.

Mr. Monaco added that he was originally advised by the Building Department that spaces would cost \$3,500 each. Even if the cash-in-lieu is paid, it will be done so under protest.

Following consideration, another motion was placed on the floor and carried to table the matter in order to allow the applicant to meet with the ward aldermen, residents and staff in order to determine if a compromise can be reached.

Alderman Kiss requested a recorded vote.

#### Divisional Vote

##### Yeas

Alderman F. Eisenberger  
Alderman F. D'Amico  
Alderman B. Charters  
Alderman H. Merling

##### Nays

Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Drury

6. **City Initiative 92-A, for a change in zoning from "AA" to "C" for property located at the rear of No. 89 Stone Church Road East; Jerome Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1992 May 11, the Committee recommended to Council as follows:

That approval be given to City Initiative 92-A, Regional Municipality of Hamilton Wentworth, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family detached dwellings, in conjunction with the development of adjoining lands to the south, for property located at the rear of 89 Stone Church Road East, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;



- (b) That the City Solicitor be Directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

7. **Zoning Application 92-06, Lyle and Lorna Hostein, owners, for a change in zoning from "AA" to "C" for property located at No. 595 Rymal Road West; Carpenter Neighbourhood**

The Committee was in receipt of a revised recommendation presented by Mr. Abraham at the meeting.

The applicants were present in support of the application.

As recommended by the Commissioner of Planning and Development in a revised recommendation presented to the Committee on 1992 May 20, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 92-06, Lyle & Lorna Hostein, owners, requesting a change in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District to permit the creation of a new lot for a single-family dwelling, for the property located at 595 Rymal Road West, as shown on the attached map marked as Appendix "F" on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District;
- (b) That the "B" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8 of Zoning By-law No. 6593, applicable to Block "2" be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 8(4) of Zoning By-law No. 6593, a minimum lot width of at least 18.29 m shall be permitted; and,
- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1272, and that the subject lands on Zoning District Map W-27D be notated S-1272;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-27D for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

8. **SHELDON/MEWBURN NEIGHBOURHOOD PLAN**

Bill Janssen gave a brief explanation of the Sheldon/Mewburn Plan. He advised two alternate plans were presented at a public meeting in February of 1992. A number of issues were identified which have been incorporated into the plan. The revised compromise is being presented to the Committee.

Julia Agusti was present from Elizabeth Village in support of the plan.

Harley Ellison of 172 Rymal Road West is opposed to the plan because his property is being taken away.



Maria Mules of 1204 West 5th Avenue is concerned about a road being proposed at the rear of her property which will affect development.

Joseph Finnochio, a west mountain resident, felt that more green space should be provided and trees should not be destroyed.

Alderman D'Amico and Ross were concerned about location of a stop light at West 5th and Hwy. #53. They asked that a new traffic count be conducted in order to determine if lights are warranted.

A discussion ensued regarding access to the highschool property to which Mr. Janssen advised that the highschool property will have access from two roads.

Alderman Merling stressed that the plan is a guideline and that modifications can be made to it when property is developed through site plan.

Alderman Drury suggested that one property be designated as a residential care facility.

As recommended by the Commissioner of Planning and Development in a report dated 1992 May 13, the Committee recommended to Council as follows:

- (a) That approval be given to Official Plan Amendment No. 111 to implement the Sheldon and Mewburn West Neighbourhood Plan by redesignating lands located in the centre of the neighbourhood; from "Open Space" to "Residential", "Major Institutional" to "Open Space"; and, "Open Space" to "Major Institutional" on Schedule "A" Land Use Concept, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That the proposed map 1, plan and policies for the Sheldon and Mewburn West Neighbourhoods, Appendix "G" (previously distributed to members of Council under separate cover) be adopted by Council.

9. **Zoning Application 91-67, West Highland Baptist Church, owner, for a change in zoning from "AA" to "DE-3", for lands located at the southerly portion of No. 1605 Garth Street; Sheldon Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1992 May 8, the Committee recommended to Council as follows:

That approval be given to Zoning Application 91-67, West Highland Baptist Church, owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, to permit future multiple family development, for lands located on the east side of Garth Street, in the area between Rymal Road West and Claudette Gate, municipally known as the southerly portion of 1605 Garth Street, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- (b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

that Section 10E(2)(a)3. of Zoning By-law No. 6593 shall not apply.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1273, and that the subject lands on Zoning District Map W-17D be notated S-1273;



- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17D for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10. **HAMILTON BEACH NEIGHBOURHOOD PLAN**

The Committee was in receipt of a report of the Commissioner of Planning and Development dated 1992 May 12.

The Committee moved to table the matter in order to have a public meeting on the matter.

11. **Zoning Application 91-54, Anthony C. Dabner and David D. Hill, owners, for a modification to the established "K" District regulations for property located at No. 276 Sanford Avenue North; Gibson Neighbourhood (not a public meeting)**

The applicant was present in support of the application.

As recommended by the Commissioner of Planning and Development in a report dated 1992 May 13, the Committee recommended to Council as follows:

- A. That approval be given to amended Zoning Application 91-54, Antony C. Dabner and David D. Hill, owners, for a modification to the established "K" (Heavy Industry, etc.) District regulations, to permit the established two-family dwelling, on property located at 276 Sanford Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
  - (a) That the "K" (Heavy Industry, etc.) District regulations as contained in Section 17 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 17.(1) of By-law No. 6593, a two-family dwelling shall be permitted only within the existing building;
    - (ii) That notwithstanding Section 18A.(7) of By-law No. 6593, the two required parking spaces shall have dimensions of not less than 2.64 m wide and 6.0 m long.
  - (b) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S-1274, and that the subject lands on Zoning District Map E-21 be notated S-1274;
  - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-21 for presentation to City Council;
  - (d) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has acquired an adjoining parcel of land to the north (measuring 12.0 ft. x 50.26 ft.) to provide for the two required parking spaces. As the required adjacent parcel is part of a City alley, the applicant shall follow the usual alley closing and sale procedures to acquire the said parcel.



12. BUILDING COMMISSIONER**Conveyance of Land for Park Purposes**

A discussion ensued regarding the conditions under which organizations can be exempt from providing conveyance of land for park purposes.

Alderman Merling cited previous examples of organizations asking for relief who did not receive it.

Mr. Stephen Pipe, on behalf of Ronald Macdonald House, was present in support of the recommendations.

After brief discussion, the Committee moved to recommend to Council the recommendation of the Building Commissioner in a report dated 1992 May 14 as follows:

That the City Solicitor be authorized and directed to prepare a by-law to amend By-law No. 84-252 respecting Conveyance of Land for Park Purposes in order to provide an exemption to the 5% Land Dedication fee where a non-profit group builds residential buildings in which people are housed, not-for gain, by adding the following as Section 7:

Sections 2 and 3 shall not apply to land that is developed for residential purposes, used for non-profit, not-for gain purposes, and for which people are lodged or housed without remuneration.

13. OTHER BUSINESS

- 13.1 Paul Mallard requested and received a recommendation to be forwarded to Council regarding an Ontario Municipal Board hearing as follows:

That the Planning and Law Department staff be directed to prepare for and attend the Ontario Municipal Board hearing scheduled for a Committee of Adjustment application A-91-172, 64 Fairholt Road South and 85 Dunsmure Road regarding an application to increase the present site total of 14 residents to 17 for a residential care facility.

- 13.2 Alderman Merling advised that he will introduce a motion at Council to expedite the Ontario Municipal Board hearing regarding 1341 Upper James, By-law Number 92-003

- 13.3 Alderman Charters advised that the M-District Neighbourhood meeting is to be held 1992 May 20 at 3:00 at Carmen's Banquet Centre.

14. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE



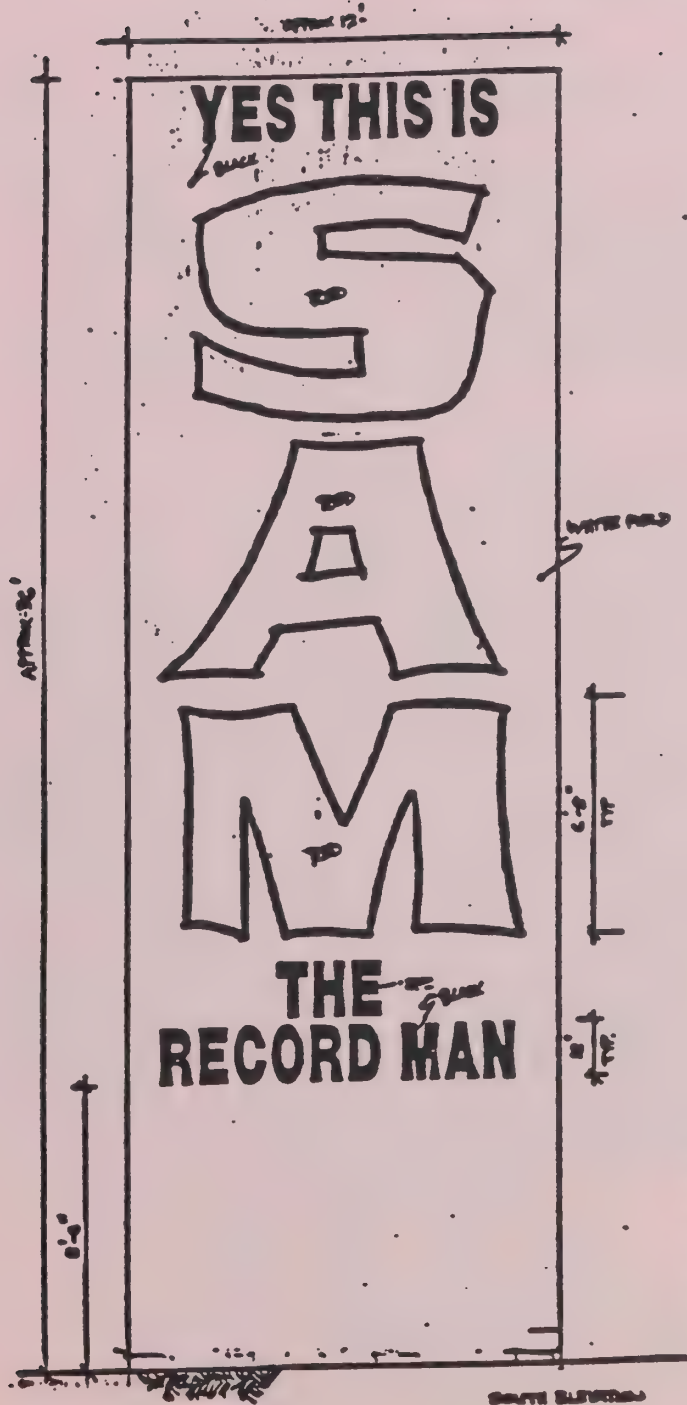
Appendix "A" referred to  
in Section 2B of the minutes  
of the Planning and Development  
Committee of 1992 May 20

**SCHEDULE "A"**

City Council hereby grants its consent to the application by Seiderman Radio Sales and Service Limited (owner of 104-112 James Street North), for the issuance of a heritage permit under section 33 of the Ontario Heritage Act to permit an alteration to 104-112 James Street North, designated by By-law No. 90-255, registered as Instrument No. 060789, which alteration will consist of the erection of a temporary sign upon the Tivoli Theatre located at 104-112 James Street North, Hamilton, upon the following conditions:

- (1) the sign shall be a temporary sign which shall be taken down upon the conclusion of the restoration of the above building, or a period of one year from the date Hamilton City Council authorizes this consent, whichever is earlier;
- (2) the consent for the temporary sign may be extended by Hamilton City Council on the terms and conditions Council deems as necessary upon application by the owner;
- (3) the sign, as proposed in a plan received from the applicant, is approved subject to the usual regulations for signs and subject to the following matters required by L.A.C.A.C.:
  - (a) maximum size: 12' wide by 36' high;
  - (b) colour: black and red letters on white field, as shown on attached drawing;
  - (c) lettering: as shown on attached drawing;
  - (d) location: south facade with minimum setback of 1' from south-west corner of building;
  - (e) building material: 3/4" plywood;
  - (f) method of securing same to the building facade:
    - 1/4" angle iron bolted to wall at mortar joints with 3 1/2" lag screws;
    - minimum 1" space between back of sign and face of brick masonry;
    - minimum of 6" above ground and supported on legs or by other means allowing for sufficient air circulation.
- (4) Hamilton City Council may require by Notice to the owner that the sign be removed by the owner at any time prior to the dates contemplated in (1), above;
- (5) the owner shall remove the sign at his own expense upon the expiry of the time periods in (1), above, or at the request of Hamilton City Council pursuant to (4), above;
- (6) where the owner has failed to comply with (5), above, the City of Hamilton may remove the sign and the costs for same shall be paid upon demand by the owner or added to the owner's municipal tax account with the City;
- (7) the owner shall enter into an agreement with the City of Hamilton in a form satisfactory to the City Solicitor accepting the foregoing conditions, assuming the obligations outlined above and providing the City with a licence to enter the land to remove the sign. If necessary, such agreement is to be registered on title to the property by the owner, prior to proceeding with the said alteration.





SAM THE RECORD MAN  
 EXTERIOR WALL SIGN  
 ON SW CORNER OF  
 108 JAMES ST.  
 HAMILTON, ONT  
 AUG 27/72  
 86' 01-0"

Construction of sign: plywood with black and red (SAM) letters on a white background



Appendix "B" referred to  
in Section 2D(a) of the minutes  
of the Planning and Development  
Committee of 1992 May 20

NORTH END EAST AND WEST COMMUNITY  
IMPROVEMENT PROJECT AREA





## **APPENDIX "A"**

### **COMMENTS ON THE CONSULTATION PROCESS**

#### **1. Description of the Policy for Consultation**

In applying for a radio license, an applicant must successfully undertake the Federal Environmental Assessment Process, specifically in addressing the placement of the antenna and antenna structures related to the radio operation. One component of the process places the onus on the applicant to consult with the local municipality (or land-use authority) to provide the municipality with "an opportunity to comment on a proposed antenna structure and site". The applicant then provides the Federal Ministry of Communications with a statement (on a form letter supplied by the Minister) that the municipality has been consulted.

If, during the consultation process, the applicant and the municipality cannot agree, both parties are to submit to the Federal Government their respective concerns and positions. The final decision will be rendered by the Minister of Communications.

It should be noted that the proposed policy does not require the applicant to consult with the municipality. In fact, the proposed policy clearly states that the applicant will have to bear any and all consequences for not consulting with the municipality (up to and including revocation of the license issued). The required statement from the form letter to be submitted to the Minister contains an option of "non-consultation" on the part of the applicant.

#### **2. City of Hamilton Regulations**

##### **a) Official Plan**

There are no specific policies in the Official Plan pertaining to radio antennas or structures. However, should the antenna be placed on land designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policy would have to be complied with:

"C7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

viii) Other similar actions or matters as Council may deem appropriate."

##### **b) Zoning By-law**

Under Section 3(4) of the City's Zoning By-law, a radio antenna attached to a principle building is considered to be a use whose height is unrestricted. An antenna not attached to the principle building must meet the setback requirements of the particular zoning district and may be located in the rear



yard only. The height, again, is unrestricted. An antenna located on a vacant lot must be located in accordance with the yard setback requirements of the particular zoning district in which the antenna is located.

### 3. Comments

Consultation with the municipality involved in the placement of new radio antennae and structures provides municipal officials and Council with an opportunity to have local concerns addressed. For these reasons, the principle of consulting with municipalities can be supported.

However, there are concerns with the specific process proposed by the Federal Government. Although the policy states that the consultation with the municipality is required, the applicant can choose not to do so. In fact, the statement of consultation (required to be submitted with the license application) contains an option in which the applicant may elect not to consult the municipality and bear any consequences of the non-consultation. The provision of this specific option provides every applicant with the opportunity to ignore the municipal land-use regulations by electing not to consult with the municipality. The option of non-consultation cannot be supported.

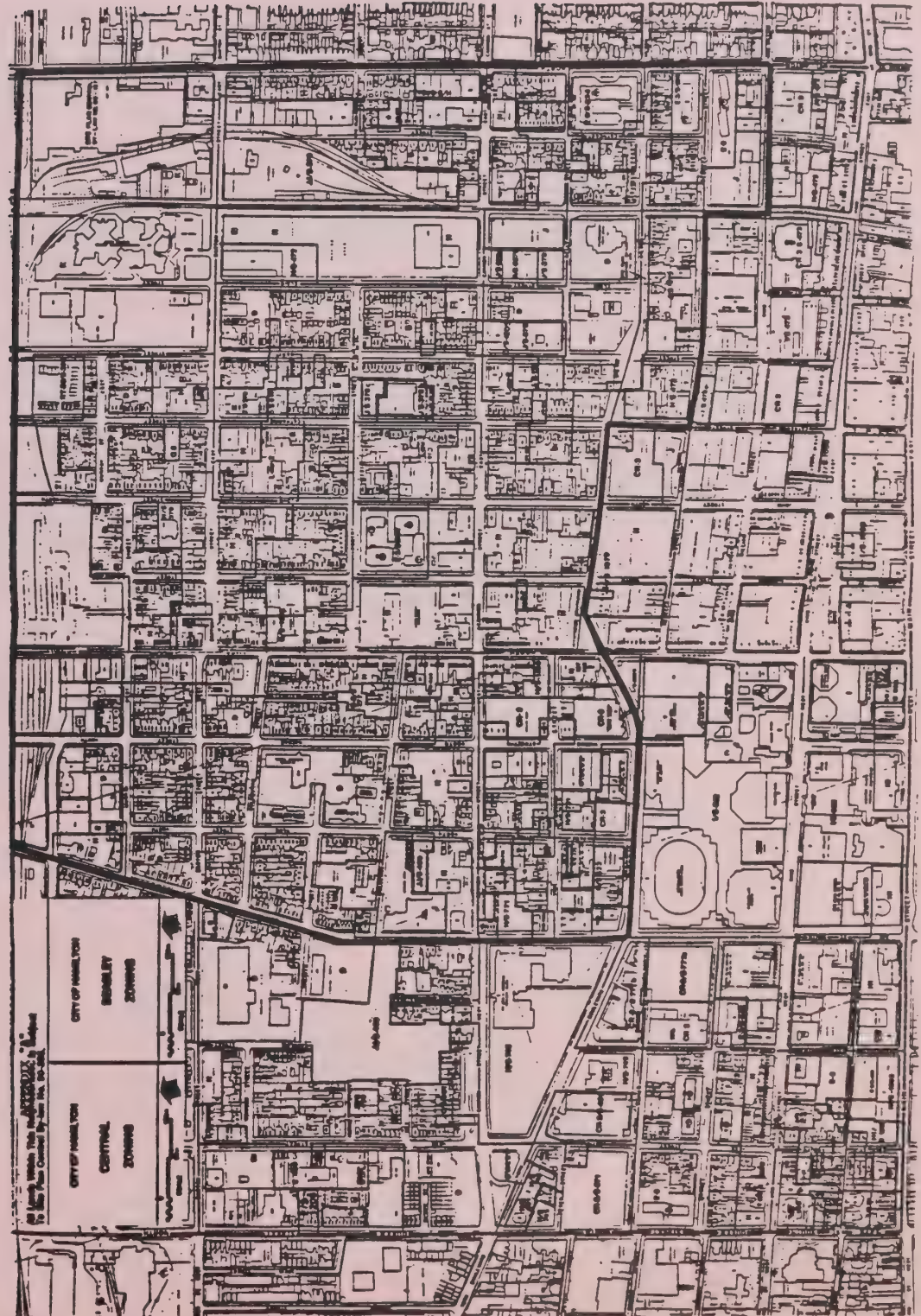
Therefore, the Federal Government should consider revising the consultation process to remove the option of non-consultation. In this regard, municipal concerns would be addressed prior to the formal application for the license. The advantages to this process are twofold: first, the municipality engages in consultation with the applicant to address any issues that may arise; and, second, both the municipal and federal governments are assured that the land use matters have been taken into account, thereby eliminating the possibility of remedial action after the issuing of the license (which can be both costly and time consuming).

### 4. Conclusion

On the basis of the foregoing, it would be appropriate to request the Federal Ministry of Communications to revise the consultation process to incorporate the above concerns.

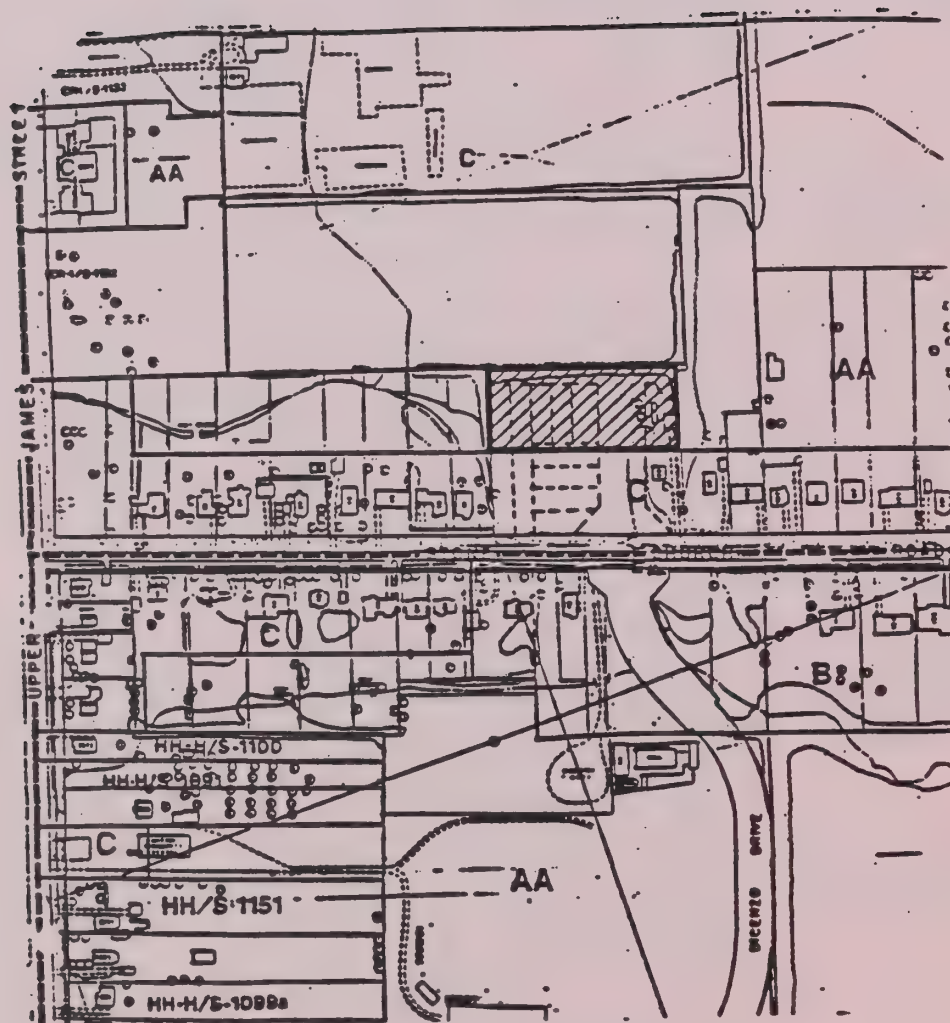


Appendix "D" referred to  
in Section 3.3.1(a) of the minutes  
of the Planning and Development  
Committee of 1992 May 20





Appendix "E" referred to  
in Section 6 of the minutes  
of the Planning and Development  
Committee of 1992 May 20



Legend



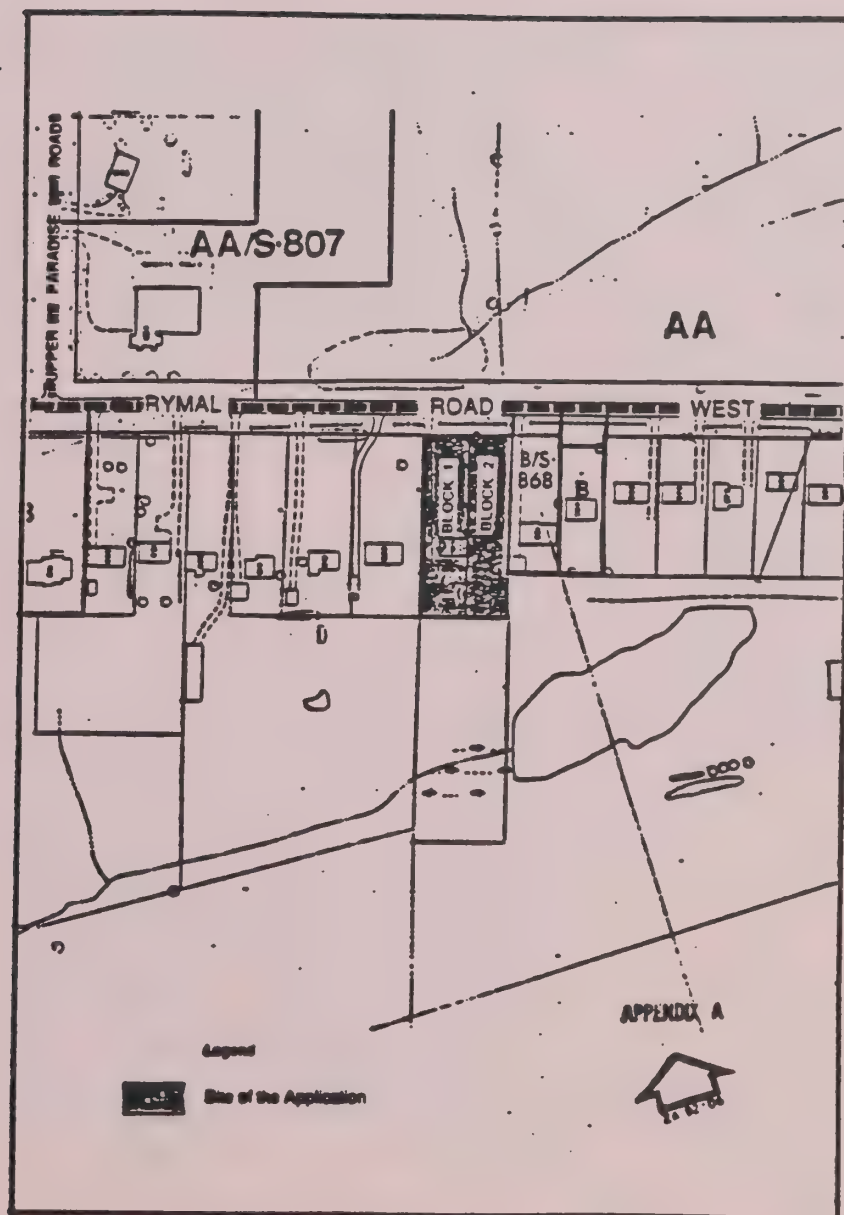
Site of the Application



CI-92-A



Appendix "F" referred to  
in Section 7 of the minutes  
of the Planning and Development  
Committee of 1992 May 20







## Land Use

- - - - - List of Buildings Area  
 ----- City Limits  
 ----- Bound of Section Limits  
 ----- Limits of St. Pauline Home Society  
 • • • • • Private Grouping Areas  
 § Private Access Paths

- [illegible]

**SHELDON & NEWBURN WEST  
PROPOSED PLAN**

# MAP 1



# LOCATION OF REMARKS

1. Mr. & Mrs. C. Hopkins 1172 West 8th
2. Mr. & Mrs. F. Parker 1212 West 8th
3. Mr. & Mrs. F. Parker 1218 West 8th
4. Mr. & Mrs. D. Vinton 1162 West 8th
5. Mr. & Mrs. F. Johnson 2712 1/2 West 8th
6. Mr. & Mrs. R. Johnson 104 1/2 West 8th
7. Mr. & Mrs. D. Johnson 1120 West 8th
10. Mr. & Mrs. J. Parker 1072 West 8th
11. Mr. & Mrs. W. Parker 227 1/2 West 8th
12. Mr. & Mrs. W. Parker 172 1/2 West 8th
13. Mr. & Mrs. K. Parker 22 1/2 West 8th
14. Mr. & Mrs. B. Parker 1020 West 8th



## LEGEND

- Land of Ownership Area
- City Limits
- Land of Ownership Area
- Land of St. Anthony's Hospital
- Private Property
- Public Property

## Land Use

- Single-Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Public Use
- Other

SHELDON & NEWBURN WEST  
PROPOSED PLAN

MAP 2





# ALTERNATIVE 1



POPULATION (1988) 234

## LEGEND

- State of Washington
- City of Seattle
- Sound of Puget Sound
- Level of 20 Puget Sound Sound Channel
- Puget Sound Sound Channel

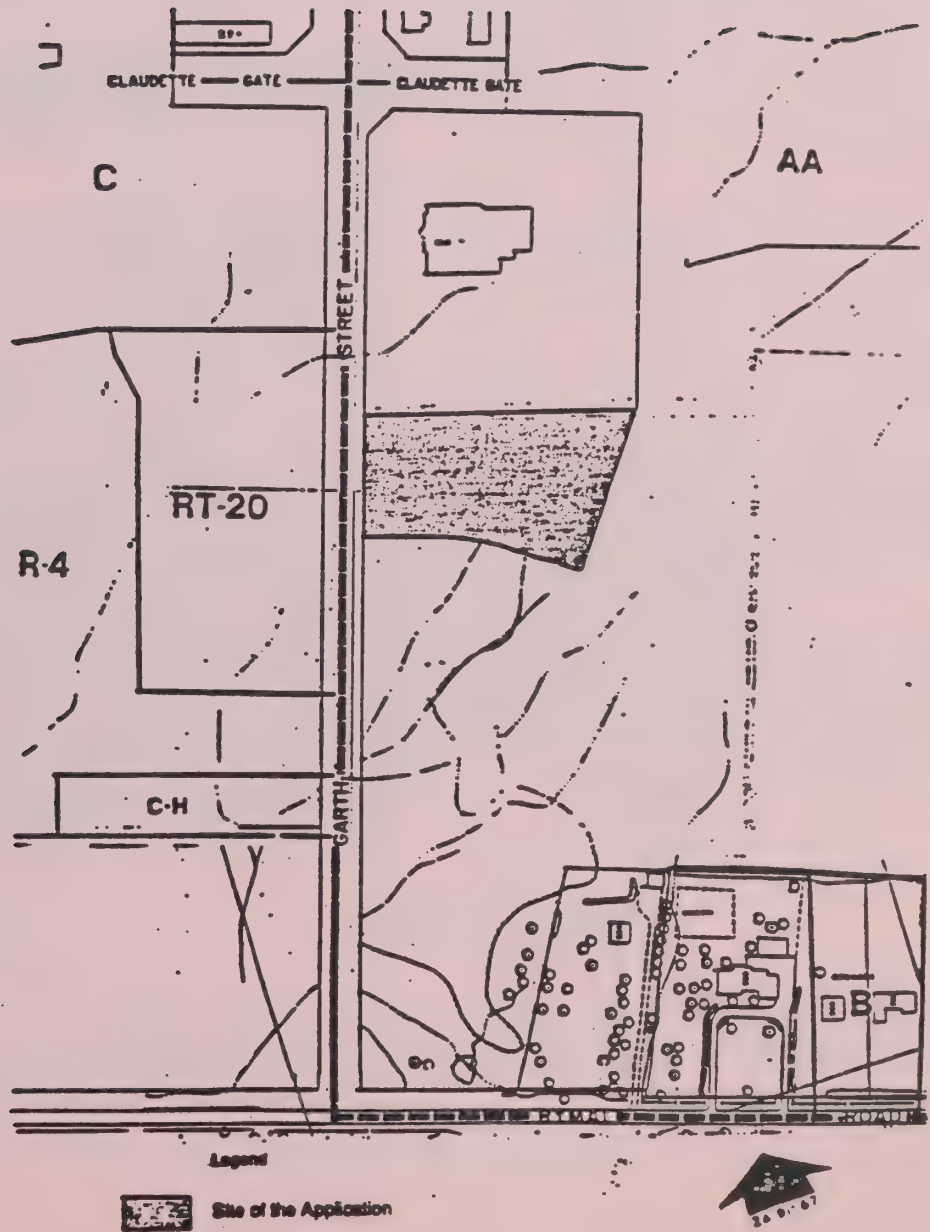
## Land Use

- Agriculture
- Forest
- Wetland
- Water
- Urban
- Industrial
- Commercial
- Residential

SHELDON & MEYER WEST  
PROPOSED PLAN

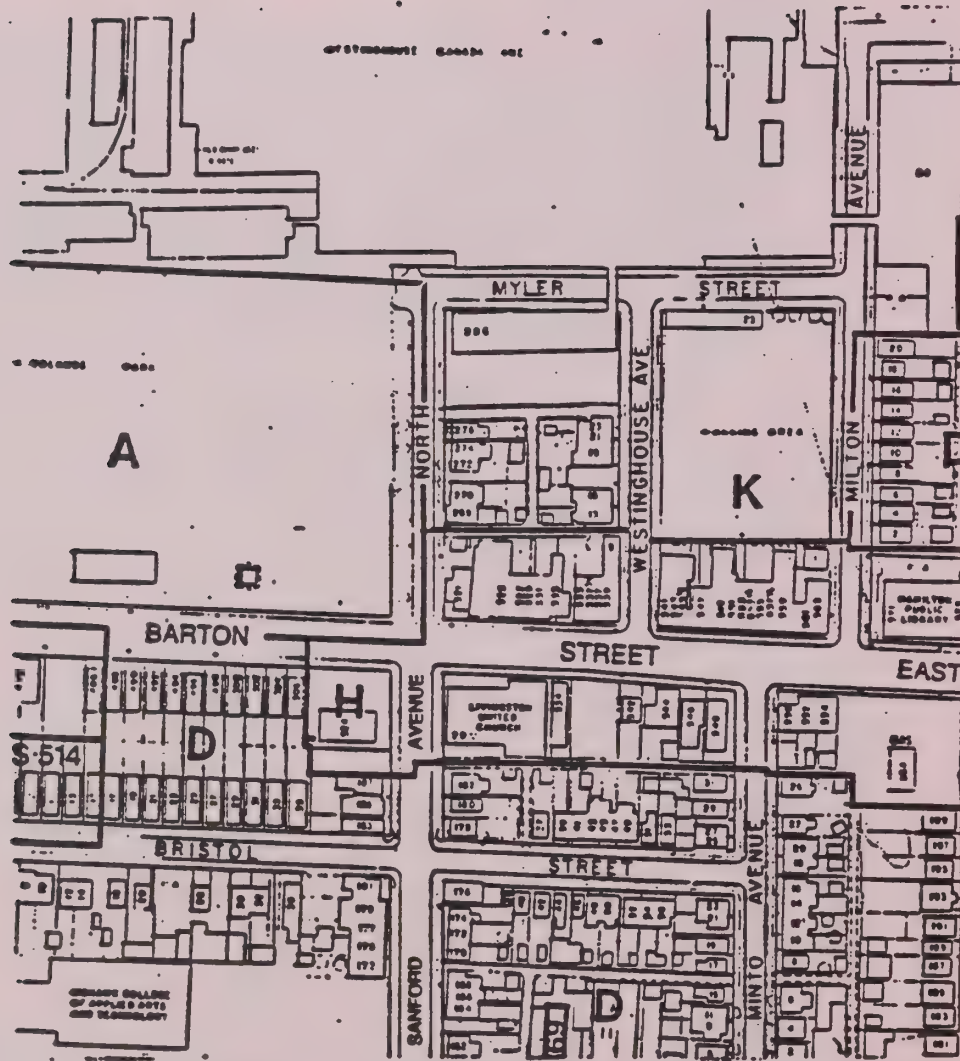


Appendix "H" referred to  
in Section 9 of the minutes  
of the Planning and Development  
Committee of 1992 May 20





Appendix "I" referred to  
in Section 11A of the minutes  
of the Planning and Development  
Committee of 1992 May 20



Legend



Site of the Application





Ba)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

JUN 15 1992

**DATE:** 1992 June 15

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** DESIGNATION - CHURCH OF ST. THOMAS, 16  
WEST AVENUE SOUTH

**RECOMMENDATION:**

- a) That City Council give approval to the "Intent to Designate" St. Thomas Anglican Church at 16 West Avenue South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

*Coutts*

N/A

**BACKGROUND:**

The Local Architectural Conservation Advisory Committee at its meeting held 1990 December, was in receipt of a letter from the congregation of St. Thomas Anglican Church requesting that the Church be designated.



In response to this request, LACAC sent a letter to the Church on 1991 January 14 requesting a letter from senior church officials officially requesting designation of the Church.

A letter dated 1992 May 5 was finally received by the Committee waiving all former diocesan objections to the designation and requested that the Church be designated as a building of historical and/or architectural value.

Attached

c.c. Victor Abraham, Director of Local Planning  
Patrice Noé Johnson, City Solicitor  
Ann Gillespie, Planning Department



## REASONS FOR DESIGNATION

### Church of St. Thomas, 16 West Avenue South

#### Context

The Church of St. Thomas, built in 1869-70, is located at the south-west corner of Main Street East and West Avenue South in the Stinson Neighbourhood. Although little remains along this section of Main East of the former streetscape of late 19th and early 20th century buildings, which once included First United Church, the Church of St. Thomas still serves as an important neighbourhood landmark. Today, the church presents its best appearance from West Avenue South, a residential street characterized by a pleasant mix of late Victorian housing, including the former 1870s brick rectory directly south of the church, and several early 20th century, low-rise apartments.

#### Architectural Significance

Designed by Hamilton architect, Albert H. Hills, the Church of St. Thomas is one of the city's major 19th century Gothic Revival churches and among the last to be constructed of stone. With its asymmetrical form featuring a square corner tower, this church is very similar in design to All Saints Anglican Church, erected three years later. Exterior additions to the original church include the Sunday School added to the rear in 1874 (now the parish hall), the upper section of the tower completed in 1883, and the extension of the chancel in 1908. These additions, all executed in stone with Gothic Revival detailing, together with the original church form a visually unified complex which has been preserved intact.

#### Historical Significance

Historically important as the third oldest Anglican Church in Hamilton, the parish of St. Thomas was founded in 1856 as a mission of Christ's Church to serve Anglicans from the city's growing east end. When the congregation outgrew its first church building, erected in 1857 at the corner of Wilson and Emerald Streets, the present church was built on land donated by Ebenezer Stinson.

#### Designated Features

Important to the preservation of the Church of St. Thomas are the original features of the north, south and east facades of the church proper, including the stone masonry walls, buttresses, chimneys and carved mouldings, the windows and stained glass, and the doorways. Excluded is the former Sunday School addition on the west side of the church.







Bb)

## CITY OF HAMILTON

### - RECOMMENDATION -

JUN 16 1992

**DATE:** 1992 June 16

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** HERITAGE PERMIT APPLICATION - REAR  
ADDITION TO DESIGNATED BUILDING AT 235  
BOWMAN STREET (HAMILTON HEBREW  
ACADEMY)

#### **RECOMMENDATION:**

That approval be given, pursuant to the provisions of the Ontario Heritage Act, 1983, for a two-storey rear addition to the former Princess Elizabeth School at 235 Bowman Street (now a Rabbinic Seminary) to accommodate a gymnasium, dining hall and additional residential accommodation, subject to the following conditions:

a) Wall Construction

Brick Masonry - rug brick to match existing as closely as possible in size, colour and texture.

Trim - simulated stone or concrete to match existing stone trim.

Rear Wall - the rear wall of the new addition would preferably be faced with the same brick as will be used on the side walls

b) Windows

Same construction as original (steel sash) with similar proportions and detailing (i.e. multiple panes with slender muntin bars).

c) Treatment of Base

Base line of existing building to be followed and defined in a similar manner with concrete banding.



d) Connection of Existing Building and New Addition

New addition to have a clear visual separation from the existing building, by means of a setback, door openings and fenestration, and, use of materials.

e) Detailing

To echo detailing of original building, particularly through the use of concrete banding and brick soldier courses.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

Council approval is required for any alterations to the designated property at 235 Bowman Street in accordance with the provisions of the Ontario Heritage Act, 1983.

c.c. Victor Abraham, Director of Local Planning  
Ann Gillespie, Planning Department



C.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 June 15

JUN 17 1992

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. T. Bradley  
Manager of Purchasing

**SUBJECT:** LANDSCAPE IMPROVEMENTS,  
CENTRAL/BEASLEY P.R.I.D.E, NEW BEASLEY  
PARK

### **RECOMMENDATION:**

- a) That a purchase order be issued to McLean-Peister Limited, Kitchener, in the amount of \$450,000 including all taxes and a contingency allowance of \$41,145.89, to provide landscape improvements, Central/Beasley P.R.I.D.E., New Beasley Park, being the lowest of six tenders received.
- b) That this expenditure be financed through Central/Beasley P.R.I.D.E. Account No. CF5200 429102003 (\$227,000) and Central/Beasley P.R.I.D.E. H.I.N.T. Account No. CF5100 429002003 (\$223,000).
- c) That a contract be entered into satisfactory to the City Solicitor.

  
\_\_\_\_\_  
T. Bradley, Manager of Purchasing

### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

### **BACKGROUND:** Tender Analysis

McLean-Peister Limited, Kitchener	\$450,000.00
Kevin Steele Landscaping, Ridgeway	472,000.00
Gateman-Milloy Inc., Kitchener	504,516.39
Bud's Contracting, Stoney Creek	522,944.19
Aldershot Landscaping, Burlington	547,406.32
Brantford Landscaping, Paris	664,807.34

Above prices include all taxes and a contingency allowance of \$41,145.89.

c.c. Law Department  
Treasury Department, Accounts Payable







D.

JUN 17 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 June 16

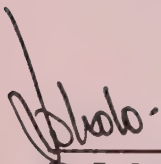
**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

**SUBJECT:** Commercial Improvement Programme - Paving of  
Alleyways - Westdale Village Business Improvement Area (B.I.A.)

**RECOMMENDATION:**

- a) That, within the Westdale Village B.I.A. , the first alley south of King Street West from Newton Street to approximately 22 metres westerly be paved under the Commercial Improvement Programme at an estimated cost of eight thousand, eight hundred dollars (\$8,800.) plus contingencies; and,
- b) That the Commissioner of Transportation and Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all necessary approvals have been received.

  
\_\_\_\_\_  
**D. Lobo, Director**  
**Public Works Department**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The cost will be funded under the Commercial Improvement Programme, Account Number CF 5204-428705003.



**BACKGROUND:**

Westdale Village B.I.A., under their submission for the 1991 Commercial Improvement Programme, requested that the alleyway first north of King Street running from Marion Avenue to North Oval and, the alleyway first south of King Street running from Marion Avenue to South Oval, both within the boundaries of the Westdale Village B.I.A., be paved. A recommendation was therefore submitted to the Planning and Development Committee and approved by City Council (Second Report of the Planning and Development Committee for 1992 January 28).

The newly elected Board of Management for the Westdale Village B.I.A., (1992-1994) have reviewed the B.I.A.'s alleyway paving needs and, to ensure all businesses within its boundaries are equally served, are requesting that this additional alleyway be paved along with the original request.

*RM*

HM:hm



JUN 04 1992

E

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 June 3  
S715-11 P. Strong  
S718-74  
S718-75

**REPORT TO:** Mrs. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** "KINGSVIEW ESTATES-PHASE 1", Hamilton  
"RYMAL SQUARE ESTATES-PHASE 1", Hamilton  
"RYMAL SQUARE ESTATES-PHASE 2", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)

**RECOMMENDATION:**

- a) That the City of Hamilton accept the sum of \$12,642 as a cash payment in lieu of the 5% land dedication in connection with Kingsview Estates-Phase 1, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Kingsview Estates-Phase 1 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

- b) That the City of Hamilton accept the sum of \$22,740 as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates-Phase 1, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Rymal Square Estates-Phase 1 are located south of Stone Church Road East and east of Upper Wentworth Street in the Butler Neighbourhood.

cont'd...



-Page 2-

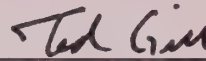
DATE: 1992 June 3

**"KINGSVIEW ESTATES-PHASE 1", Hamilton  
"RYMAL SQUARE ESTATES-PHASE 1", Hamilton  
"RYMAL SQUARE ESTATES-PHASE 2", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

- c) That the City of Hamilton accept the sum of \$30,000 as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates-Phase 2, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Rymal Square Estates-Phase 1 are located south of Stone Church Road East and east of Upper Wentworth Street in the Butler Neighbourhood.



E. M. Gill, P. Eng.

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financing costs associated with this report.

#### **BACKGROUND:**

##### **"KINGSVIEW ESTATES-PHASE 1", Hamilton**

The owner of Kingsview Estates-Phase 1 (S. Wise Construction Limited) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$12,642.

The lands of Kingsview Estates-Phase 1 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

##### **"RYMAL SQUARE ESTATES-PHASE 1", Hamilton**

The owner of Rymal Square Estates-Phase 1 (Rymal Square Developments Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

cont'd...



-Page 3

DATE: 1992 June 3

**"KINGSVIEW ESTATES-PHASE 1", Hamilton**

**"RYMAL SQUARE ESTATES-PHASE 1", Hamilton**

**"RYMAL SQUARE ESTATES-PHASE 2", Hamilton**

**(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$22,740.

The lands of Rymal Square Estates-Phase 1 are located south of Stone Church Road East and east of Upper Wentworth Street in the Butler Neighbourhood.

**"RYMAL SQUARE ESTATES-PHASE 2", Hamilton**

The owner of Rymal Square Estates-Phase 2 (Rymal Square Developments Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$30,000.

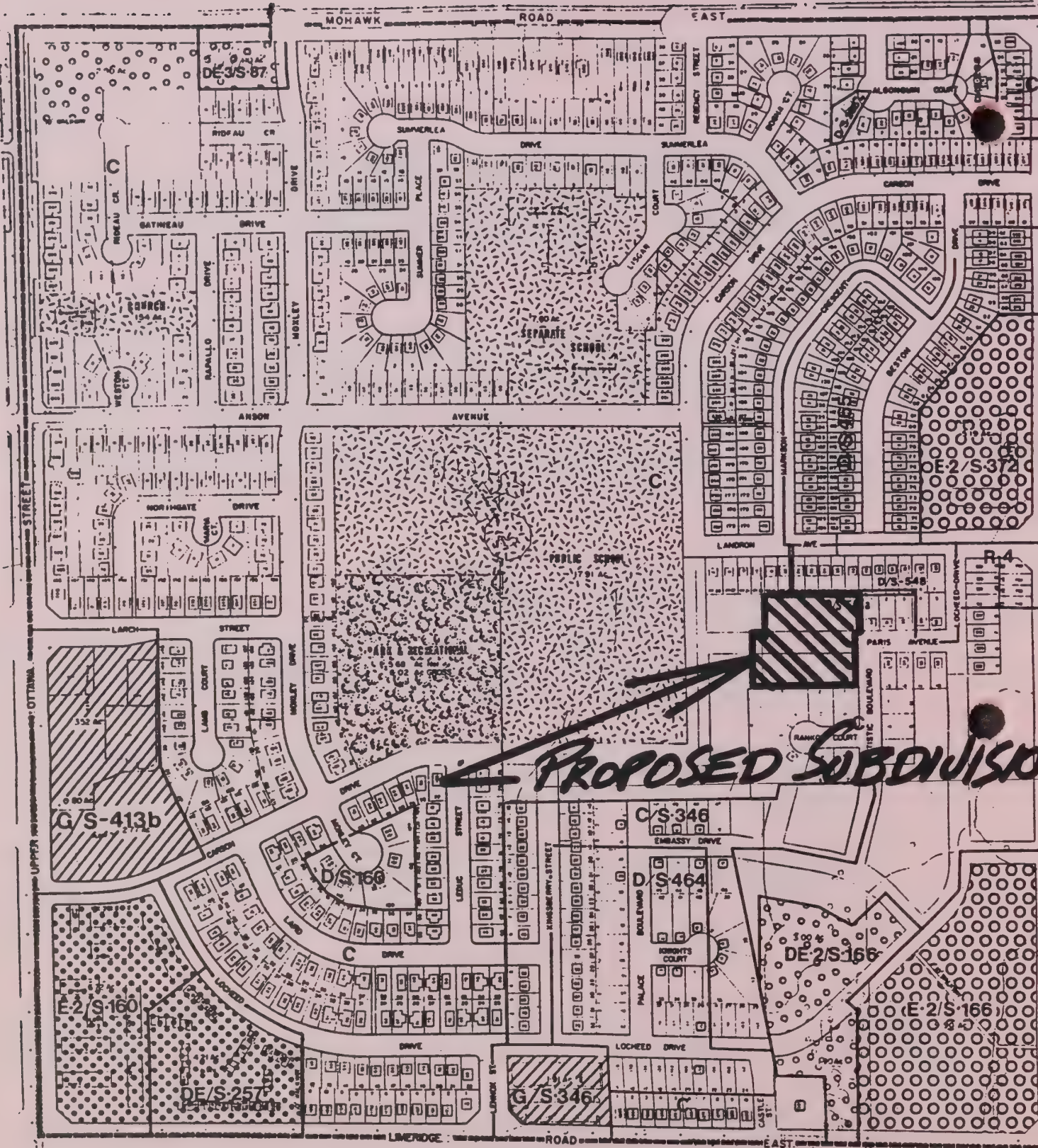
The lands of Rymal Square Estates-Phase 2 are located south of Stone Church Road East and east of Upper Wentworth Street in the Butler Neighbourhood.

 PS  
encl.

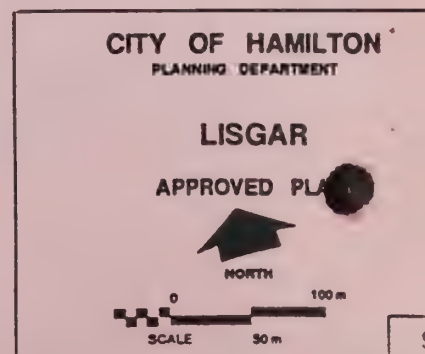
cc: D. Cobb, City Treasury

cc: R. Buckle, City Real Estate Department



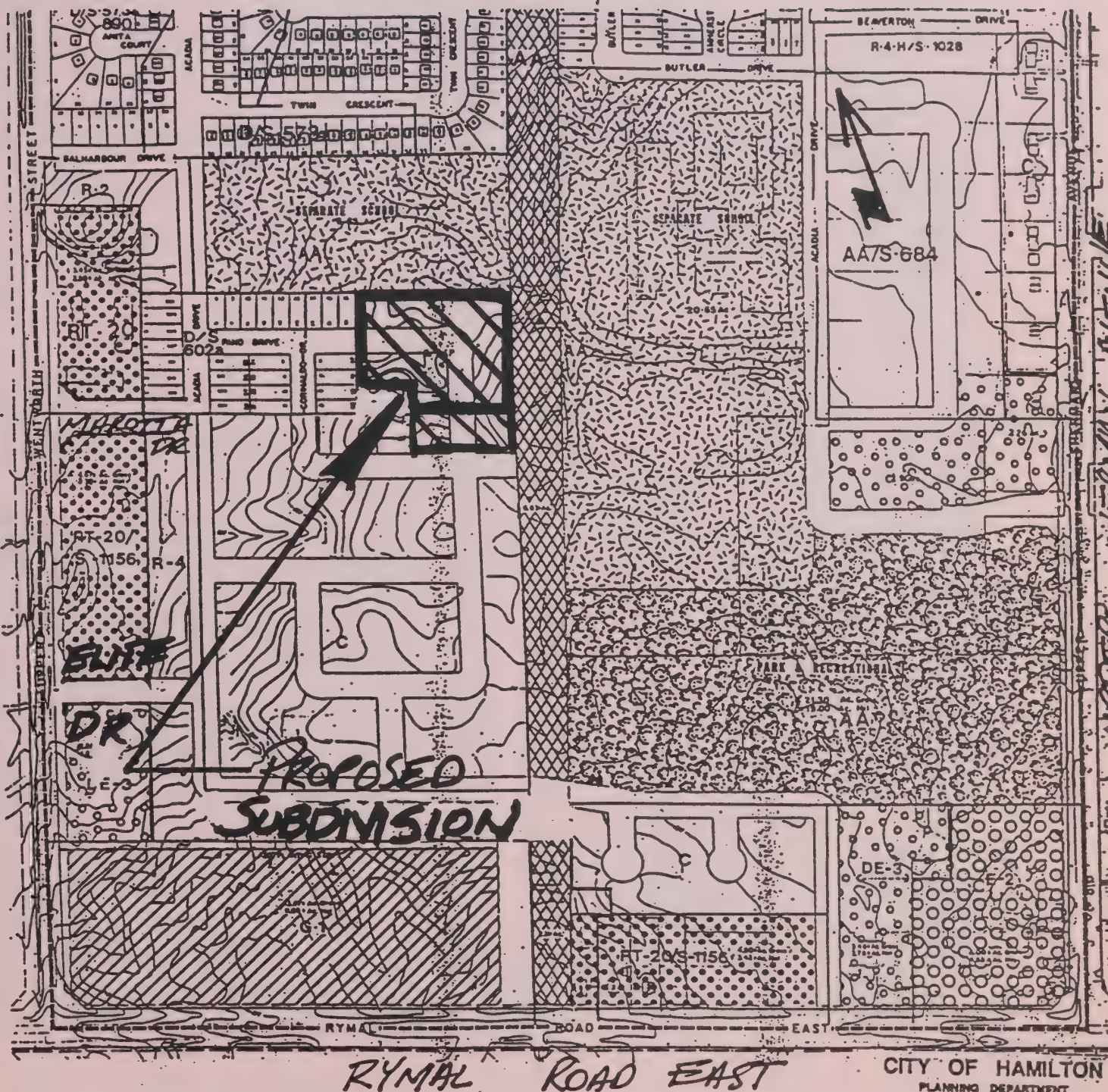


"KEY PLAN" FOR  
KINGSVIEW ESTATES-  
PHASE ONE





UPPER WENTWORTH STREET

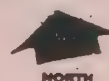


KEY PLAN-

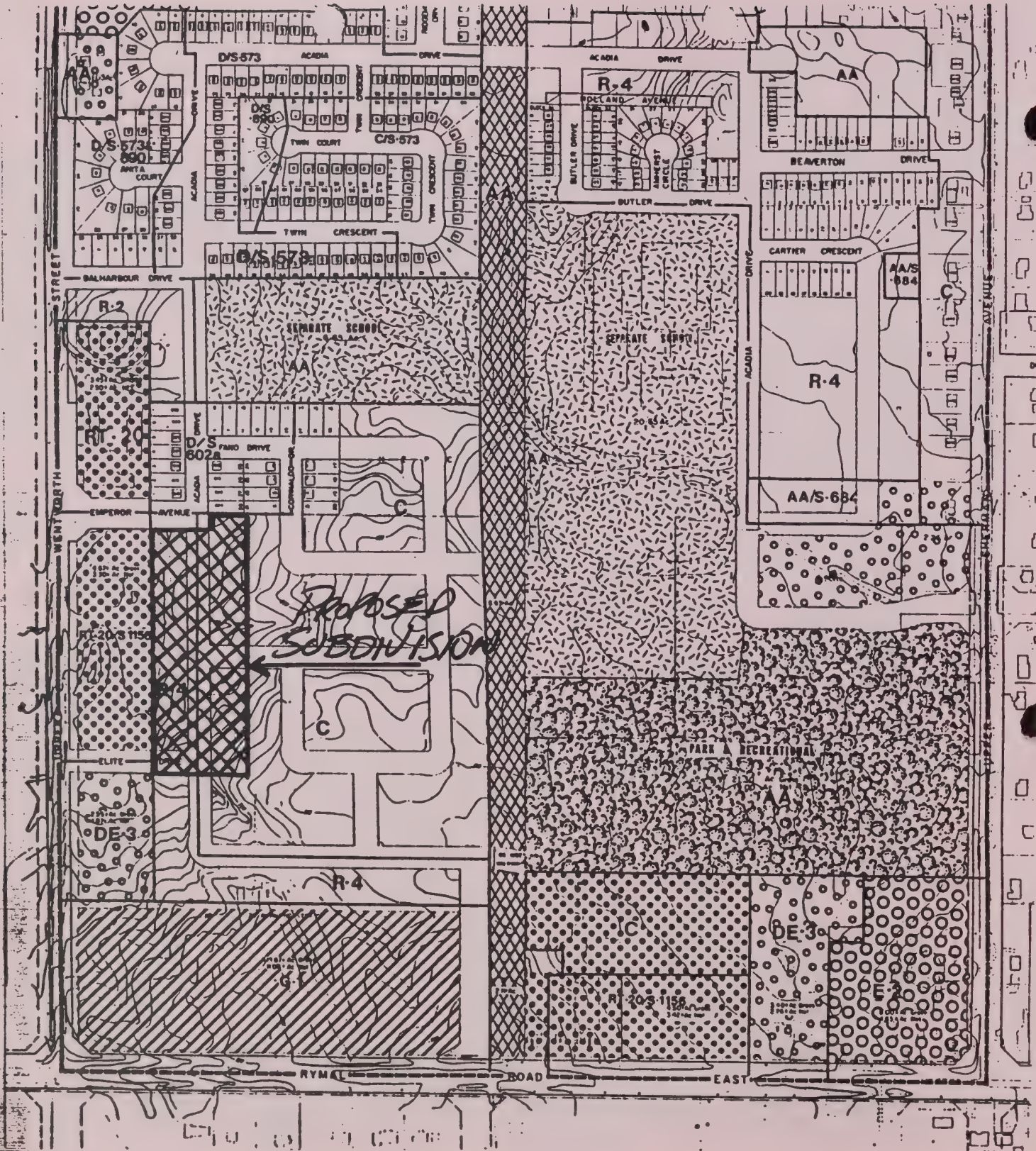
"RYMAL SQUARE  
ESTATES -  
PHASE ONE"

BUTLER

APPROVED PLAN







KEY PLAN FOR

RYMAL SQUARE ESTATES PH: II

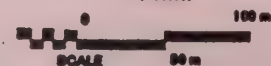
CITY OF HAMILTON  
PLANNING DEPARTMENT

BUTLER

APPROVED PLAN



NORTH





F.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**RECEIVED**

**DATE:** 1992 May 26

MAY 27 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

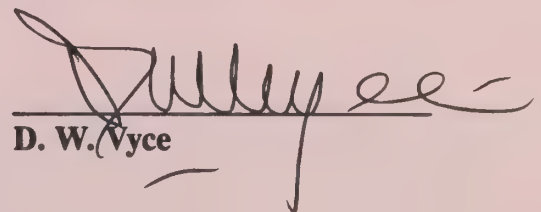
**CITY CLERKS**

**FROM:** D. W. Vyce  
Director of Property

**SUBJECT:** Release of Construction Covenants  
Wentworth Tile and Terrazzo Limited  
200 Nebo Road, Hamilton  
Hamilton Mountain Industrial Park No. 1  
- Lot 15, Plan M-227  
Construction Covenants as set out in  
Instrument Number 61879 L.T.

**RECOMMENDATION:**

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 200 Nebo Road, Hamilton from the construction covenants to the City as contained in Instrument Number 61879 L.T., registered on September 15, 1977.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

In adopting Item 6B(e) of the 28th Report of the Board of Control, City Council on June 13, 1975 approved the sale of Lot 15, Hamilton Mountain Industrial Park No. 1, Plan M-227, now known as 200 Nebo Road, to Wentworth Tile and Terrazzo Limited. This transaction was completed on September 15, 1977.

Under the terms of the covenants set out in Instrument Number 61879 L.T., the purchasers were to commence construction of a 10,000 square foot building by no later then six (6) months after the date of closing and have this building completed by no later then 1-1\2 years after the date of closing.



26 May 1992  
Planning and Development Committee  
Page 2

In adopting Item 11 of the 3rd Report of the Board of Control, City Council on January 31, 1978 approved an extension of the commencement and completion dates for construction to September 15, 1978 and September 15, 1979 respectively. The proposed building has been completed as required under the covenants.

This department supports the request of the owner that The City of Hamilton release the construction covenants contained in Instrument Number 61879 L.T. in order to clear the title.

c.c. P. Noé Johnson, City Solicitor  
Attention: D. Powers

(2738)



G.a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**RECEIVED**

MAY 26 1992

**CITY CLERKS**

**DATE:** 1992 May 20

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P.Eng.  
Building Commissioner

**SUBJECT:** City of Hamilton Heritage Programme -  
455 Bay Street North, Hamilton.

**RECOMMENDATION:**

That a Designated Property Grant in the amount of One thousand and fourteen dollars (\$1,014.) be provided to Mr. Ian Bailey, 455 Bay Street North, Hamilton.

  
Mr. L. King, P.Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 455 Bay Street North have applied under the Programme for the pointing of the brick walls and chimneys and reconstruction of the circular wood window.



As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Rogal Masonry Ltd. and D. Thompson Construction.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$1,014.00.

c.c. R. Camani, Treasury Department



G b)

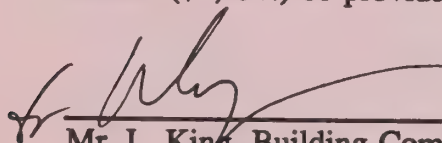
**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 June 10 JUN 17 1992  
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee  
**FROM:** Mr. L. King, P.Eng.  
Building Commissioner  
**SUBJECT:** City of Hamilton Heritage Programme -  
150 Queen Street South, Hamilton

**RECOMMENDATION:**

That a repayable loan under the Community Heritage Trust Fund in the amount of One thousand, four hundred and thirty dollars (\$1,430.) be approved for David W. Battrick, 150 Queen St. S., Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of One thousand, four hundred and thirty-one dollars (\$1,431.) be provided to David W. Battrick, 150 Queen St. S., Hamilton.

  
Mr. L. King, Building Commissioner

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.



The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1984 August 28. The owners of the designated property located at 150 Queen St. S. have applied under the Programme for the repointing and repair of the masonry walls and chimney.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Rogal Masonry's estimates.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$1,431., and a Community Trust Fund loan in the amount of \$1,430. at 6 percent interest be approved. The monthly payments will be \$15.88 amortized over 10 years.

The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$2,861.

c.c. R. Camani, Treasury Department



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

Gc)

**DATE:** 1992 June 12

JUN 17 1992

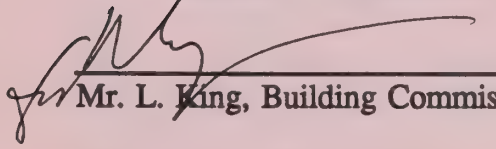
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P. Eng.  
Building Commissioner

**SUBJECT:** Commercial Facade Loan Programme  
321-341 Ottawa St. N. & 1078 Barton St. E., Hamilton

**RECOMMENDATION:**

That a Commercial Facade Loan in the amount of thirty-nine thousand, six hundred and ten dollars (\$39,610.) be approved for Joseph Finocchio, 321-341 Ottawa St. N. & 1078 Barton St. E., Hamilton. The interest rate will be 3 5/8 percent, amortized over 10 years.

  
\_\_\_\_\_  
Mr. L. King, Building Commissioner

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The owner of 321-341 Ottawa St. N. & 1078 Barton St. E., has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department therefore recommends the approval of a Commercial Facade Loan to Joseph Finocchio for improvements to 321-341 Ottawa St. N. & 1078 Barton St. E. in the amount of \$39,610. The loan will be amortized over a 10 year period at 3 5/8 percent interest. The monthly payments will be \$394.07 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department







CITY OF HAMILTON

Gd) i)

**- RECOMMENDATION -**

JUN 16 1992

**DATE:** 1992 June 11

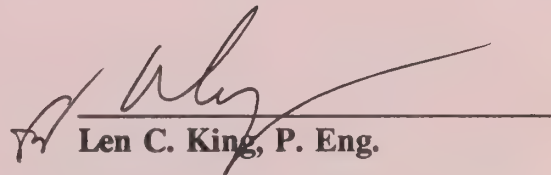
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
492 BURLINGTON STREET EAST

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for **492 BURLINGTON STREET EAST.**

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "K/S-727" (Heavy Industrial) Modified

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** The Perimeter Road Project

**BRIEF DESCRIPTION:** 2½ storey masonry dwelling in poor condition. It is the intention of the Region to demolish the existing single family dwelling to make room for the Perimeter Road Project. Lot Size 22.00' x 88.00'

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth  
**Attention:** Real Estate Division  
Property Department  
Dominic Consoli  
Extension Number: 2738







CITY OF HAMILTON

Gd>ii>

- RECOMMENDATION -

JUN 16 1992

**DATE:** 1992 June 11

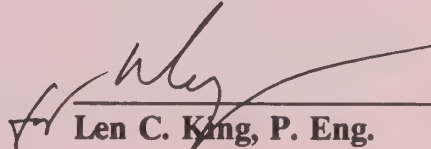
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
208 WELBOURN DRIVE - Tag Number 86751

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 208 WELBOURN DRIVE.

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C" (Urban Protected Residential etc.)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** 1 storey wood frame dwelling in good condition. It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot Size 50.00' x 138.44'

The owner of the property as per the demolition permit application is:

David Staples  
208 Welbourn Drive  
Hamilton, Ontario L9A 3N6  
Telephone Number: 574-4975







CITY OF HAMILTON

Gd) iii)

- RECOMMENDATION -

JUN 16 1992

**DATE:** 1992 June 11

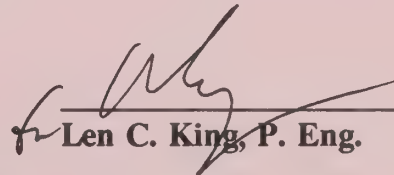
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1505 UPPER JAMES STREET - Tag Number 86632

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1505 UPPER JAMES STREET.

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G/S-1069a" (Neighbourhood Shopping Centre, etc.)f

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Car Dealership

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling in good condition. It is the intention of the owner to demolish the existing single family dwelling and propose a car dealership. The owner has a zoning application (ZA-91-56) which is at a draft by-law stage and this draft by-law will be held in obedience pending approval of site plans for the car dealership proposal. Lot Size 100' frontage with an area of 1.07 acres.

The owner of the property as per the demolition permit application is:

John LeCluse  
925 Main Street West  
Hamilton, Ontario L8S 4P3  
Telephone Number: 523-0302

c.c. 92.2.4.2.1.A







**CITY OF HAMILTON**

Gd)iv)  
JUN 16 1992

**- RECOMMENDATION -**

**DATE:** 1992 June 11

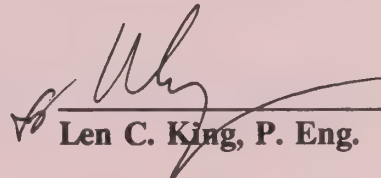
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
487 BURLINGTON STREET EAST

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for **487 BURLINGTON STREET EAST.**

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "K/S-727" (Heavy Industrial) Modified

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** The Perimeter Road Project

**BRIEF DESCRIPTION:** 1½ storey masonry dwelling in poor condition. It is the intention of the Region to demolish the existing single family dwelling to make room for the Perimeter Road Project. Lot Size 26.00' x 88.00'

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth  
**Attention:** Real Estate Division  
Property Department  
Dominic Consoli  
Extension Number: 2738







Ha)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

JUN 16 1992

**DATE:** 1992 June 11  
(P5-6-1-10)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

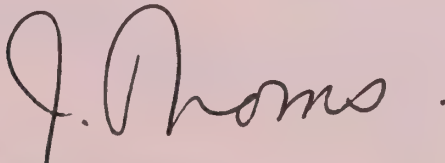
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

Mr. D. Lobo  
Acting Director of Public Works

**SUBJECT:** Revised Terms of Reference - Ferguson Avenue  
Redevelopment Advisory Committee

**RECOMMENDATION:**

That the revised terms of reference for the Ferguson Avenue Redevelopment Advisory Committee, attached as APPENDIX "A", be adopted.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**D. Lobo**  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

See background section for financial implications.

**BACKGROUND:**

In 1991, the Planning and Development Committee authorized the formation of a staff review team to study the opportunities for development of Ferguson Avenue and the surrounding area. Of particular importance was the creation of a link between the Escarpment, the Bay, and the waterfront parks currently being developed by the City.

The review team has met approximately six times since its establishment. Several issues were



discussed, including: the bicycle and pedestrian opportunities for Ferguson Avenue; identifying the priority areas; and determining the need for public participation and detailed implementation plans. During the course of these meetings, it became apparent that a broader consultation process which included interested parties and stakeholders should be undertaken in order to build a consensus amongst the various parties with interests in and around Ferguson Avenue. The review team, therefore, has prepared a revised terms of reference for a Citizens Advisory Committee, attached as APPENDIX "A".

The main change proposed in the revised Terms of Reference is the establishment of a Citizens Advisory Committee as a sub-committee of the Central Area Plan Implementation Committee. The Citizens Committee will review the issues concerning Ferguson Avenue, to define the study area (i.e. Ferguson Avenue plus adjoining land); to establish the goals and objectives of the study; and to prepare a revised Terms of Reference for the work of the consultant. This process is recommended so that the concerns of citizens and businesses in the area can be addressed. This process recognizes Ferguson Avenue as a unique area requiring the detailed guidance of an Advisory Committee.

It is proposed that the revised Committee meet during the summer on a monthly basis so that the Committee members can be given the background information necessary on a variety of issues. During the fall, the Committee members will draft the revised Terms of Reference and seek a consultant to undertake the study. An allocation of \$60,000 has been made in the 1992 budget. However, as it is now anticipated that the consultant will be hired in late 1992 with work ongoing in 1993, the budget allocation will not be entirely used in 1992. However, it is expected that the budget allocation not used in 1992 (for this project) will be expended in the early part of 1993.

#### **CONCLUSION:**

On the basis of the foregoing, the original ad hoc staff committee should be disbanded and a Ferguson Avenue Citizens Advisory Committee should be established.

MLT:dkp



## APPENDIX "A"

### TERMS OF REFERENCE FOR THE FERGUSON AVENUE REDEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF HAMILTON

**PURPOSE:** To advise and make recommendations to the Planning and Development Committee of the City of Hamilton on the redevelopment of Ferguson Avenue. This committee will be established as a sub-committee of the Central Area Plan Implementation Committee and will report to the Planning and Development Committee directly.

**MANDATE:** The Committee is formed to facilitate the preparation of the terms of reference for the consultant study of Ferguson Avenue, to assist in the selection of the consultant, to provide feedback to the consultant as the work progresses, and to ensure the public participation component of the study. Specific issues to be examined are:

- Definition of the study area (i.e. Ferguson Avenue plus adjoining land - how far do the boundaries extend);
- Goals and objectives of the study;
- Terms of Reference for the work of the consultant.

**MEMBERSHIP:**

- Alderman, Ward 2;
- One citizen member and one alternate member from:  
North End East Neighbourhood;  
Beasley Neighbourhood;  
Corktown Neighbourhood;  
Central/Beasley PRIDE H.INT Committee;  
International Village Business Improvement Area;  
Central/Beasley Neighbourhood Plan Review Committee  
(when formed);
- One representative and one alternate member from CAPIC;
- One representative and one alternate member from the Urban Design Committee.

Other groups to be consulted where appropriate are:

- Centremount Neighbourhood Association
- Barton General Business Improvement Area;
- Cannon Street Business Association;



- LACAC;
- Regional Bicycle Advisory Committee;
- Citizens for Citizens;
- Municipal Non-Profit Housing Corporation;

A Chairperson and Vice-Chairperson will be elected by the members.

Staff will consist of the coordinator (a staff person from the Public Works Department - Community Renewal) and support staff from the Planning and Development Department, Traffic Department, Culture and Recreation Department, Public Works Department, Engineering Department, and Property Department. Other staff, as necessary, will be used as information sources for the committee.

**QUORUM:**

A majority of members shall constitute a quorum.

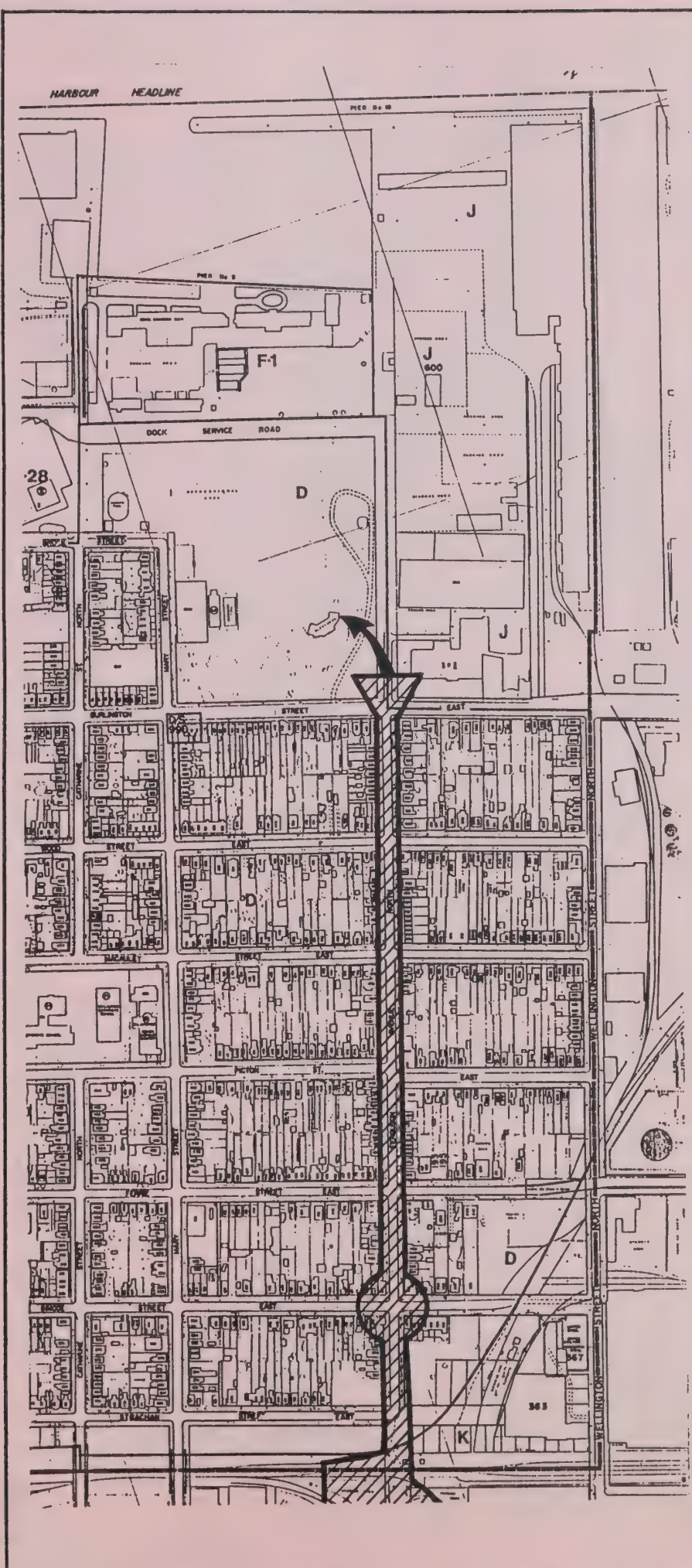
**MEETINGS:**

At the call of the Chairperson or as requested by a member of the Board through the Chairperson.

**REPORTING  
PROCEDURE:**

The Committee will be a sub-committee of CAPIC and will report directly to the Planning and Development Committee.





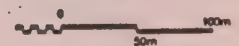
# MAP 1

## FERGUSON AVENUE STUDY

### PART OF NORTH END EAST NEIGHBOURHOOD



Study Area Boundary



SCALE



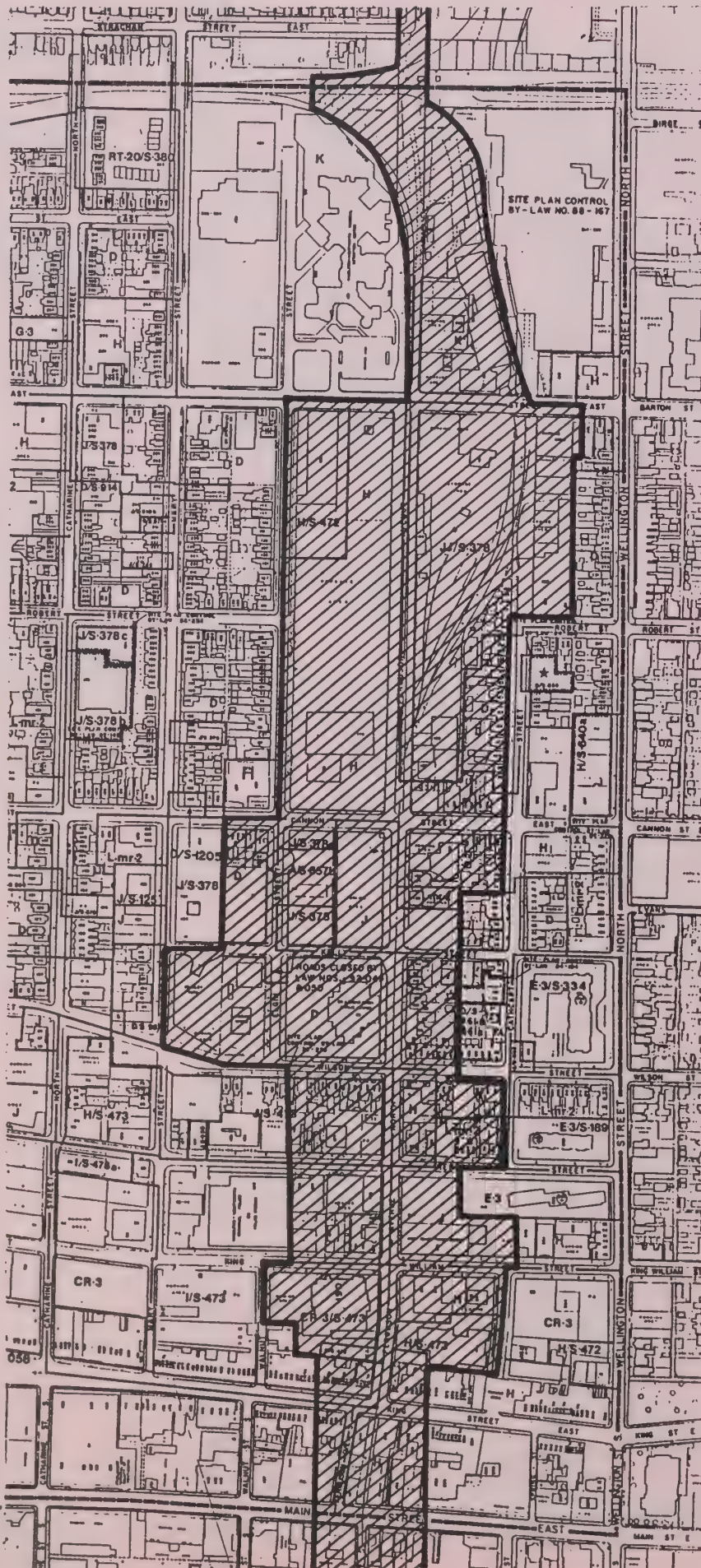
# MAP 2

## FERGUSON AVENUE STUDY

### PART OF BEASLEY NEIGHBOURHOOD



Study Area Boundary




SCALE

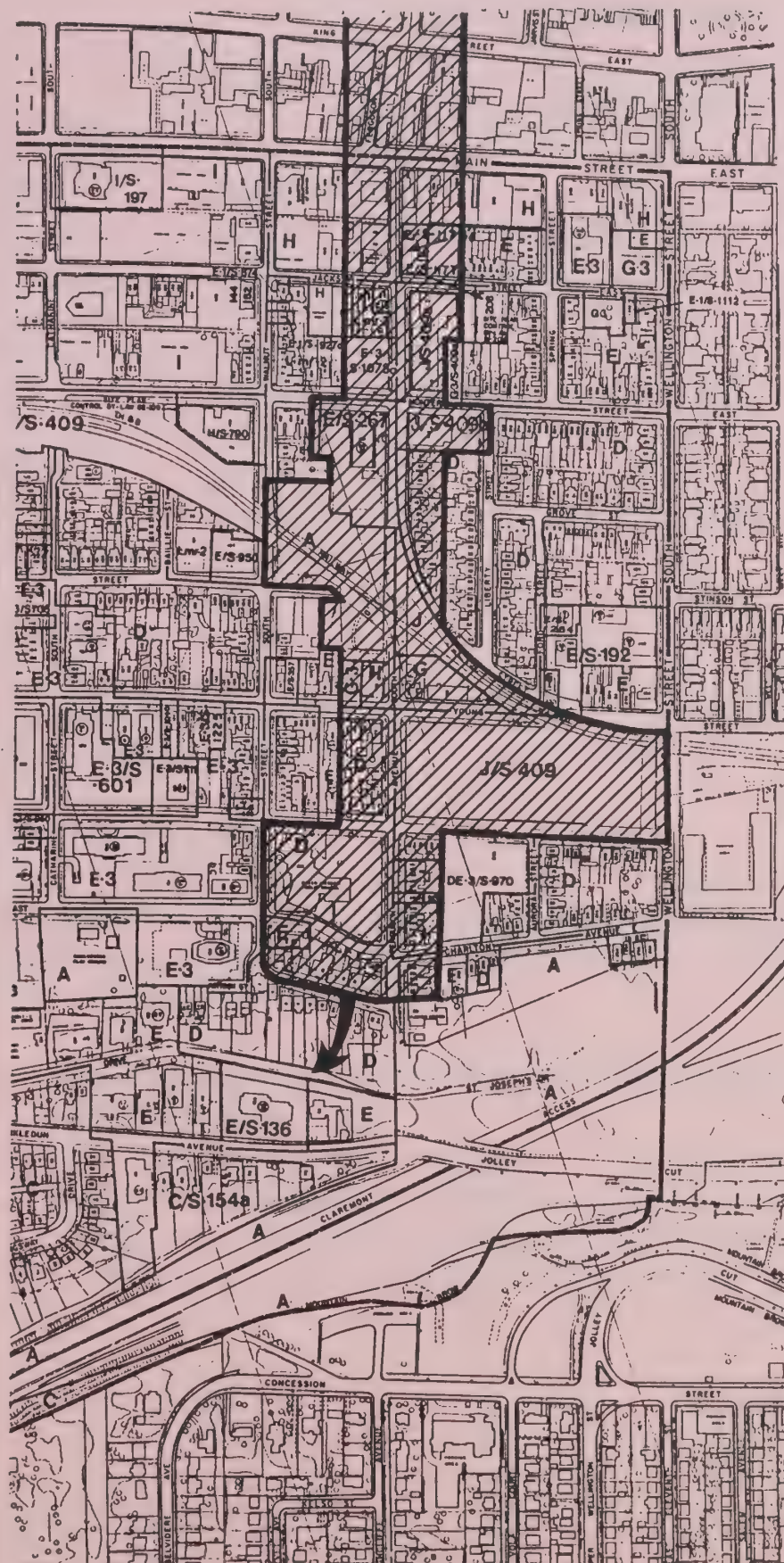


# MAP 3

## FERGUSON AVENUE STUDY

### PART OF CORKTOWN NEIGHBOURHOOD

 Study Area Boundary









JUN 17 1992

Hb)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** May 22, 1992  
DA-90-89 (ZA-90-53) (A-87-329)  
Greeningdon Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

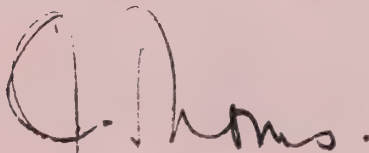
**SUBJECT:**

Site Plan Control Application DA-90-89 for a metal warehouse addition and site improvements at 164 Limeridge Road East.

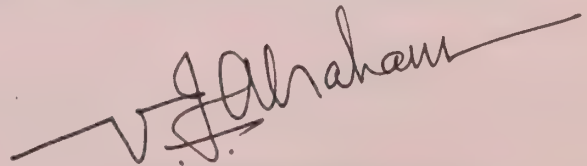
**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-90-89 by Hamilton Builders Supply, owner, of lands known as 164 Limeridge Road East for a metal warehouse addition and site improvements, subject to the following:

- i) modification to the plan in relation to notes, dimensions and landscaping as marked in red on the plan; and,
- ii) approval by the Committee of Adjustment to amend the Committee of Adjustment decision pertaining to Application A-87:329 to provide a minimum 2.0 m high chain link fence and hedge row instead of the required "decorative fence".



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning



**BACKGROUND:**Committee of Adjustment Application A:87-329:

On January 21, 1988, the Committee of Adjustment considered and approved application A-87-329 to permit the enlargement of an existing warehouse building with a 50' x 100' addition to serve the existing legal non-conforming Builders' Supply business subject to the following:

1. That the applicant provide a 3.0 m treed landscaped area adjacent to Limeridge Road.
2. That the applicant construct a 2.0 m decorative fence in the landscaped area.
3. That the applicant provide an alternate access to the new structure.
4. That the applicant reduce the amount of dust by paving or by gravelling over the heavily truck travelled and manoeuvring areas of the site.
5. That the applicant relocate any existing construction materials and firewood behind the recommended landscaped area and fencing adjacent to Limeridge.
6. That the applicant make an application to the Planning and Development Committee of City Council for approval of plans and drawings for the purpose of Site Plan Control which site plan control is to be restricted to regulate only the feature of conditions 1 to 5 in this decision.

The plans submitted for approval under Site Plan Control Application DA-90-89 are for a metal warehouse addition to be attached to an existing wooden barn at 164 Limeridge Road East. Additional site improvements take the form of a 3.0 m wide landscape strip and 2.0 m high chain link fence adjacent to Limeridge Road and Upper Wellington Street. Coniferous and deciduous trees are proposed along both streets.

The details of the development are as follows:

• Net Lot Area	-	20,792.46 m <sup>2</sup>
• Proposed Gross Floor Area of addition	-	474.32 m <sup>2</sup>



- Proposed Building Height - 10.0 m, one (1) storey
- No. of Parking Spaces Provided - 14
- Exterior Building Materials - Metal Lap Siding.

#### Zoning Application ZA-90-53

At its meeting of August 22, 1990, the Planning and Development Committee denied Zoning Application ZA-90-53. The zoning application proposed to established the appropriate zoning district to permit the construction of a new warehouse on the subject lands, replacing the existing warehouse situated in the right-of-way of the proposed Mountain Freeway, and to recognize the currently legal non-conforming use.

#### **COMMENTS RECEIVED:**

The Hamilton-Wentworth Engineering Department has advised that the revised grading plan is satisfactory.

The Building Department has reviewed the revised plans submitted and has advised that the following conditions of the Committee of Adjustment have not been complied with:

"The required 2.0 m (6.6') decorative fence is not provided".

The Traffic Department has reviewed the plans submitted and has advised that entering and exiting the employee parking area located west of the access driveway is physically impossible and should be redesigned.

The Freeway Project Office has reviewed the application and as a condition of site plan approval recommends that the following conditions be incorporated as part of the site plan approval process:

- "1. At some future date, lands will be required by this office from the subject lands adjacent to Upper Wellington for the Red Hill Creek Expressway. These lands are shown as Parts 6, 7 and 8 on Reference Plan 62R-10825. As a result, proposed landscaping and fencing should be placed so that it will not encroach onto the above-mentioned areas. This is required so as to minimize the disruption to the site during the Expressway construction.



2. Also, no structures, materials or landscaping should be placed on Part 5 of Reference Plan 62R-10825 since these lands will be used for a berm easement to act as a buffer between this development and the Expressway.
3. We require that all on-site surface drainage be drained away from the Expressway corridor.
4. The grading plan does not reflect the actual grade elevation and the proposed changes in grade elevations. We require that the applicant show along the southerly limits and the easterly limits of the site, the proper geotechnical elevations so that we may determine if the on-site grading will have an impact on the abutting grading of the Expressway project.

Finally, as a result of the side sloping created by the bridge overpass, sight distance to any entrance adjacent to the Upper Wellington overpass will be restricted. Therefore, we wish to advise that no entrance will be permitted to Upper Wellington Street."

#### COMMENTS:

Site Plan Control Application DA-90-89 for this development is processed and reviewed on the basis of the decision of the Committee of Adjustment pertaining to application A-87:329. The attached decision is specific in requiring certain features to be provided through the Site Plan Control procedure.

The applicant has modified the original proposal to incorporate and resolve comments and concerns from the various departments. The parking area west of the entrance has been deleted as shown on the revised site plan.

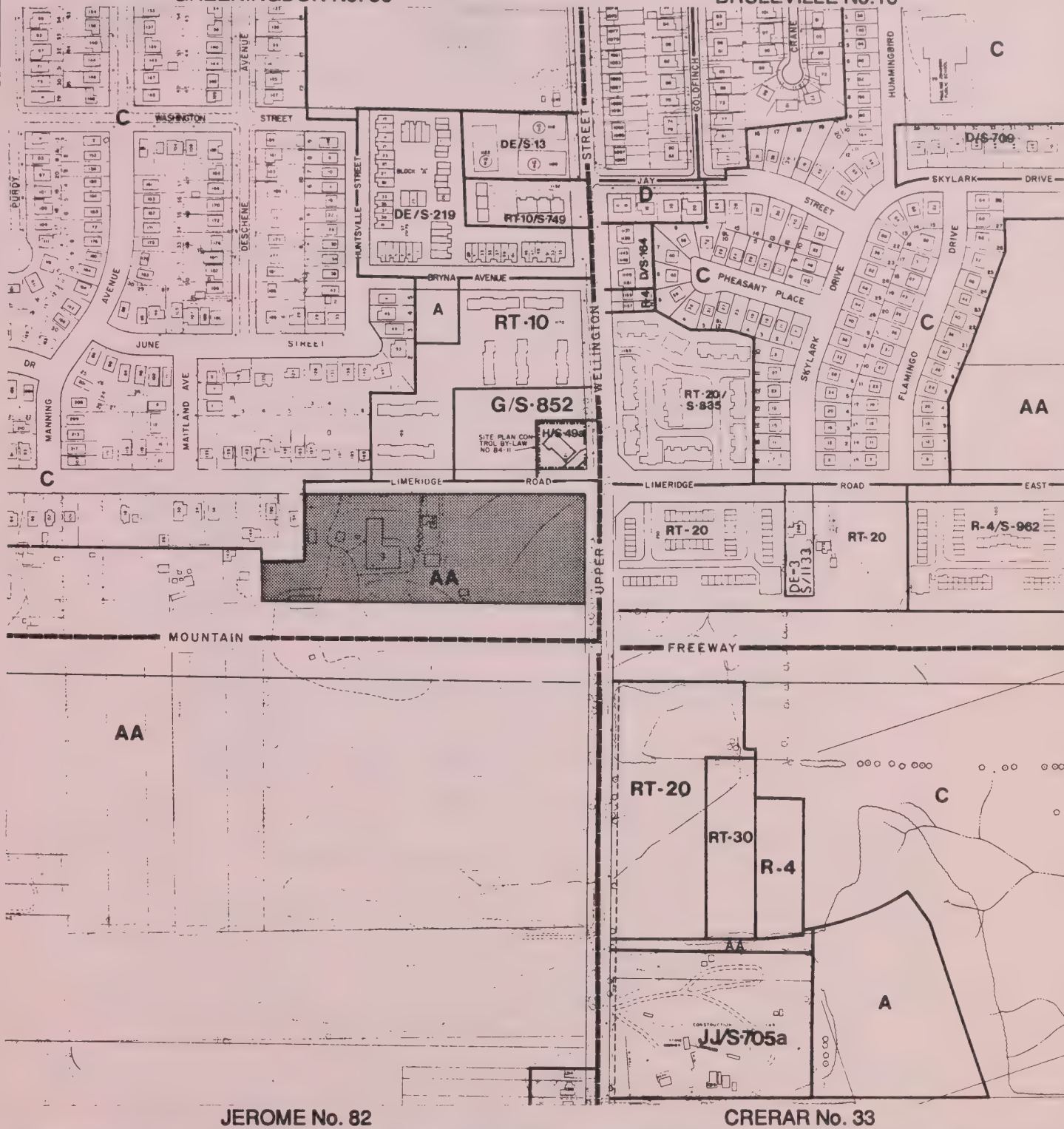
In regards to the road widenings, the plan has provided for an allowance for those areas. Since the lands are not generally under Site Plan Control and the matters noted by the decision of the Committee of Adjustment deal with specific matters, the dedication of the road widenings should not be required as part of this application.

The landscape plan has been revised to include additional cedar trees adjacent to the chain link fence along Limeridge Road and Upper Wellington Street. The hedge row of cedars will enhance the streetscape and comply with the intent of screening the building materials. Clarification should be made to the Committee of Adjustment to permit a 2.0 m high chain link fence and hedge row as a visual buffer instead of the required "decorative fence".



GREENINGDON No. 56

BRULEVILLE No.16



City of Hamilton  
Plan Showing  
Lands Subject to

Site Plan Control  
Application DA-90-89

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale  
1:5000

Date  
OCTOBER 1990

Reference File No.  
DA-90-89

Drawn By  
Z. K.





THE CORPORATION OF THE CITY OF HAMILTON

COMMITTEE OF ADJUSTMENT

HAMILTON, ONTARIO

DECISION OF THE COMMITTEE

APPLICATION NO. A-87:329

SUBMISSION NO. A-329/87

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 7A(1),

AND IN THE MATTER OF Premises municipally known as 164 to 184 Limeridge Road East, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in an "AA" district;

AND IN THE MATTER OF AN APPLICATION by the agent, Peter Head, on behalf of the owner, Hamilton Builders' Supply Limited, for relief from the provisions of the Zoning By-Law No. 6593, under Section 44(1) and 44(2) of The Planning Act, 1983, so as to permit the enlargement of an existing warehouse building with a 50' x 100' addition to serve the existing legal non conforming builders' supply business.

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED subject to the following condition(s):

- 1/ That the applicant provide a 3.0 m treed landscaped area adjacent to Limeridge Road.
- 2/ That the applicant construct a 2.0 m decorative fence in the landscaped area.
- 3/ That the applicant provide an alternate access to the new structure.
- 4/ That the applicant reduce the amount of dust by paving or by gravelling over the heavily truck travelled and manoeuvring areas of the site.
- 5/ That the applicant relocate any existing construction materials and firewood behind the recommended landscaped area and fencing adjacent to Limeridge.
- 6/ That the applicant make an application to the Planning and Development Committee of City Council for approval of plans and drawings for the purpose of Site Plan Control which site plan control is to be restricted to regulate only the features of conditions 1 to 5 in this decision.

The relief granted herein is based upon the following reasons:

As evidenced in the written comments of the Planning and Development Department the relief granted herein together with the conditions will lead to site improvements of benefit to the surrounding neighbourhood which improvements will be maintained and enforced under site plan control.



DECISION OF THE COMMITTEE (Cont'd)

APPLICATION NO. A-87:329  
SUBMISSION NO. A-329/87

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983.

DATED AT HAMILTON this 21st day of January 1988

SIGNED:

\_\_\_\_\_  
F. Rocchi, Chairman

\_\_\_\_\_  
L.G. Woods

\_\_\_\_\_  
M. Skofac

\_\_\_\_\_  
C. Young

NOTE: This decision is not final and binding unless otherwise noted.

The period of appeal has expired and no such appeal has been filed.  
THIS DECISION IS NOW FINAL AND BINDING  
(s. 44 of The Planning Act).

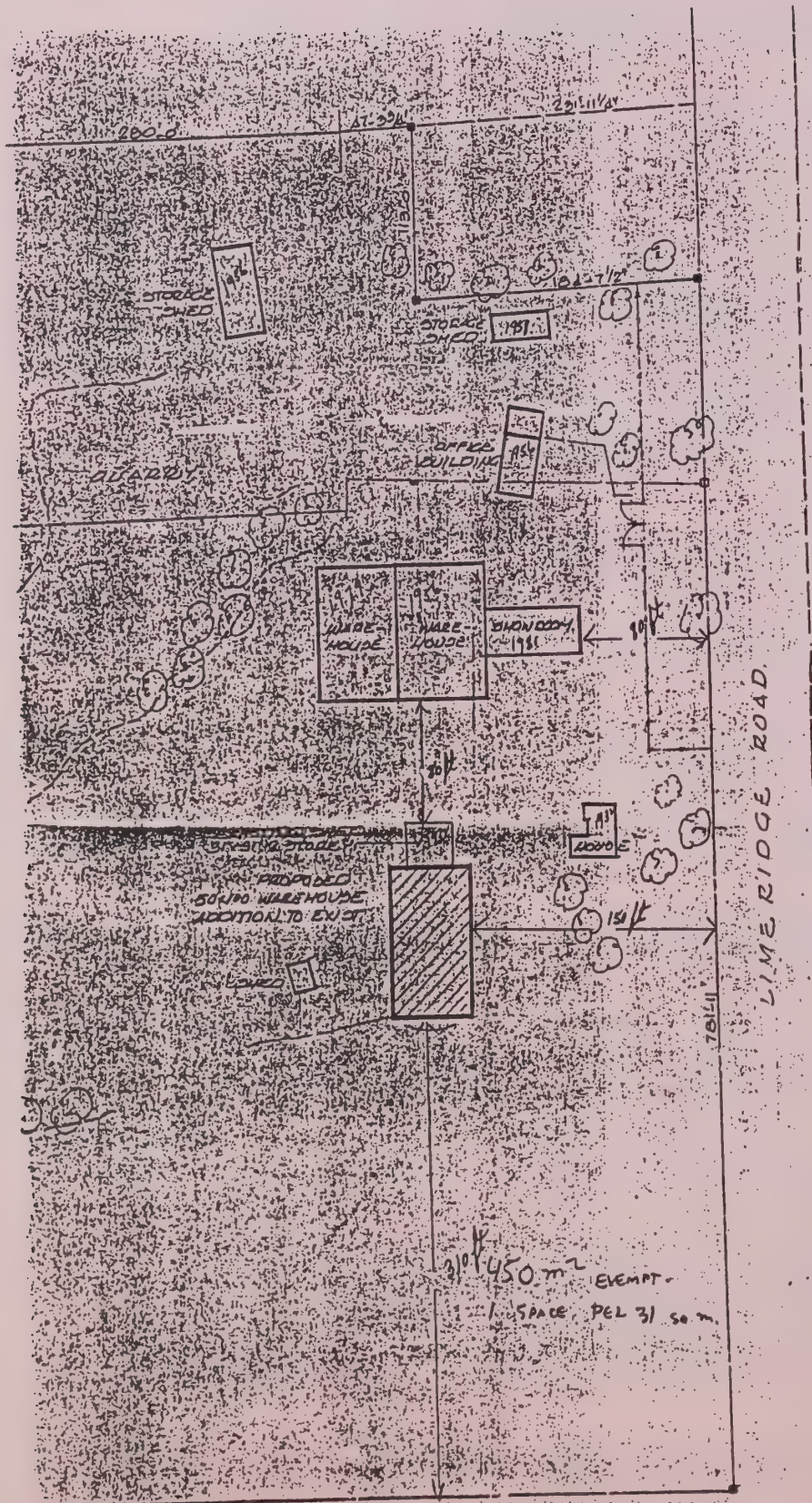
CERTIFIED A TRUE COPY,

FEB 22 1988

\_\_\_\_\_  
Secretary-Treasurer



A-87:329







## HAMILTON BUILDER'S SUPPLY INC.

164 LIMERIDGE ROAD, EAST  
UPPER JAMES POSTAL OUTLET  
BOX 20010  
HAMILTON, ONTARIO L9C 7M5  
(416) 388-3204

OFFICE - (416) 388-3204  
ORDER DESK - (416) 388-2352  
FAX - (416) 574-1626

November 29, 1991.

City of Hamilton,  
Planning Department,  
71 Main Street West,  
Hamilton, Ontario.  
L8N 3T4

ATTENTION: JOE LAKOTOS

Dear Sir:

Re: DA-90-89

Regarding my last meeting with you and Mr. Ed Hickens from Engineering on November 25, 1991, it was last left that the decorative fence we are willing to use will be a chain link fence with a row of cedars in front of it. Hamilton Builders' Supply Inc. feels this would be a much better means of enclosing the area, and indeed this fence is already in place and brand new. As for the use of cedar or pressure treated wood, we feel it would not look as appealing in the surrounding area, and the use of one of these would be especially unappealing since wood fences deteriorate quickly. We feel using cedar or pressure treated for our fence line would not be in the City's best interest. Hamilton Builders' Supply Inc. agreed to show the chain link fence with the row of cedars on our revised landscape plan.

It was also mentioned at our meeting that parts 6,7 and 8 of Registered Plan #62R10825 are in the midst of a possible transaction between Hamilton Builders' Supply Inc. and the Region of Hamilton for the Red Hill Creek Expressway.

Mr. Harold Groen from Engineering noted that because of the Conditions 1 through 6 of the Committee of Adjustments recommendations File #A-87-328, it was most likely not going to interfere with site plan approval regarding the road widenings, and since the Region has made an offer to purchase parts 6,7 and 8 on Registered Plan

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.	Received			
	DEC 02 1991			
TO	STAFF	INIT.	INFO	ACT
DIR.				
P.P. & A.				
NEIGH				
DEV.				
STAFF				
CERT.				
ADMIN.				

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City of Hamilton

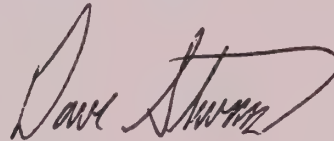
.....2

November 29, 1991.

#62R10825, these parts will eventually be owned by the Region in the future, therefore making the road widening areas not an issue for site plan approval.

It is the recommendation of Hamilton Builders' Supply Inc. that we should get approval immediately as the length of time this application has taken has cost both of us a substantial amount of money. Remember, it was because the Region bought some land in the rear of our property for the Red Hill Creek Expressway that our warehouse currently sits on that we would now like to replace the warehouse for our storage of material just as soon as possible. We feel we have fulfilled all the conditions of the Committee of Adjustments file # A-87-329.

Respectfully,

A handwritten signature in dark ink, appearing to read "David Stevens", with a stylized, sweeping flourish at the end.

David Stevens.

DS:bj





## HAMILTON BUILDER'S SUPPLY INC.

164 LIMERIDGE ROAD, EAST  
UPPER JAMES POSTAL OUTLET  
BOX 20010  
HAMILTON, ONTARIO L9C 7M5  
(416) 388-3204

OFFICE - (416) 388-3204  
ORDER DESK - (416) 388-2352  
FAX - (416) 574-1626

May 4, 1992.

Planning and Development Department,  
71 Main Street West,  
Hamilton, Ontario.  
L8N 2T4

ATTENTION: MR. JOHN SAKALA

Dear Sir:

RE: HAMILTON BUILDERS' SUPPLY INC.  
FILE: DA-90-89

We agree to your landscaping requirements as outlined in your April 21, 1992 letter and attached plant list with the agreed change from Emerald Cedars to Swamp Cedars.

Further, we agree to maintain these plants and the surrounding area with a proper maintenance schedule, so that both the City and Hamilton Builders' Supply Inc. will have pride in the area.

Yours truly,

*for David Stevens*

David Stevens.

DS:bj

PLANNING & DEVELOPMENT LOCAL PLANNING DEPARTMENT				
File No.		MAY 11 1992		
TO	STAFF	INIT.	INFO	ACT
DIR.				
PP & A				
NEIGH				
DEV.				
E&UD				
STAFF				
CART.				
ADMIN.				



PLANT LIST FOR DA-90-89 FOR  
DEVELOPMENT AT 164 LIMERIDGE ROAD EAST

Key	Quantity	Plant Name	Size
P-1	25	Green Ash	50-55 mm (caliper)
P-1	294	<del>Emerald</del> <sup>SWAMP</sup> Cedar (planted at approximately 1 m on centre excluding 36 m to allow open area at driveway entrance)	1.25-1.5 m high

Entrance area plantings (no Key)

14	Silver edge dogwood	50-75 cm
	Annual plantings at entrance beds.	



Hc)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 June 16  
DA-91-60 (DA-89-45)  
Blakeley Neighbourhood

JUN 17 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Site Plan Control Application DA-91-60 to amend DA-89-45 for a 152 unit apartment building at 430 Cumberland Avenue.

**RECOMMENDATION:**

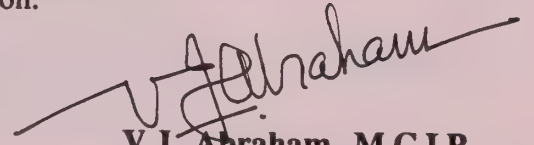
That approval be given to Site Plan Control Application DA-91-60 to amend DA-89-45 by C.F.I. Holdings, owner, of lands known as 430 Cumberland Avenue, for a 152 unit apartment building subject to the following:

- i) modification to the plans in relation to notes, dimensions, and earth berm, as marked in red on the plans;
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of Transportation/Environmental Services;
- iii) provision of the following notes on the site plans;
  - a) "Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 meters of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz";
  - b) The Building is to be constructed using brick veneer or an acoustically equivalent construction for the exterior walls;
  - c) The minimum require noise insulation for the windows is A1F29;
  - d) Provision of an air conditioning system for all units on the south facade of the building.
  - e) Provision for the future installation of an alternative means of ventilation for all the other units.



- f) Provision of a minimum 2.2 m high noise barrier along the southerly boundary of the property.
- g) Provision of a warning clause concerning rail traffic noise shall be included in the tiles, deeds and rental agreements of all the units; and,
- iv) submission of a revised landscape plan to the satisfaction of the Director of Local Planning and the Niagara Escarpment Commission.

**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**

  
**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### **BACKGROUND:**

Previously approved plans under Site Plan Control Application DA-89-45 proposed development of two 8 storey apartment buildings having 142 units each, with a common recreation centre at the rear of the property.

The lands have recently been severed to permit the development of the lands as two projects.

The proposed building under the present application DA-91-60, provides 152 units on the westerly portion, instead of the 142 originally shown and orients the building and parking areas in a similar design. The revised design of the easterly portion will require submission of a new Site Plan Control Application. The details of the development of DA-91-60 for the westerly lands are as follows:

• Net Lot Area	-	7,187.3 m <sup>2</sup>
• Gross Floor Area	-	12,090.0 m <sup>2</sup>
• No. of Units	-	152
• Building Height	-	Eight (8) storeys max.
• No. of Parking Spaces Provided	-	Tenant 152 Visitor 38
• Landscape Area	-	3,619.44 m <sup>2</sup>



- Exterior Building Materials - Brick Face - Field Colour,  
Brick Detail Accent Colour,  
Balconies - Stucco on  
Concrete

The landscape treatment along the southerly property line will incorporate noise reduction measures such as on acoustical wall and tree plantings to reduce noise levels from the adjacent railway line.

***COMMENTS RECEIVED:***

The Building Department has indicated the following:

- a) The plan should indicate the minimum side yard requirement of 13.5 m instead of the 13.0 m dimensioned. The plan scales 14.2 m + at the southwest corner of the building.
- b) All the lengths and widths of the parking spaces must be clear of the columns.
- c) A total of 38 parking spaces must be designated as visitor parking spaces.

The Traffic Department comments attached deal with driveway dimensions, radii, drop-off bay and truck access.

The submitted revised plan has addressed these comments in revisions or red-line notes.

The Roads Department in their attached comments has advised that a revised grading plan is required and noted certain matters for construction adjacent or within the road allowance.

Canadian Pacific Railway has indicated in their attached letter, that their previous comments, pertaining to the entire site are still applicable for the subject development.

The Niagara Escarpment Commission has verbally advised that details of the landscape plan should include dense native plantings and should be confirmed with a revised landscape plan.

***COMMENTS:***

Various modifications are required to the plan in relation to notes and dimensions, and have been incorporated in the revised plans or marked in red on the submitted plan.

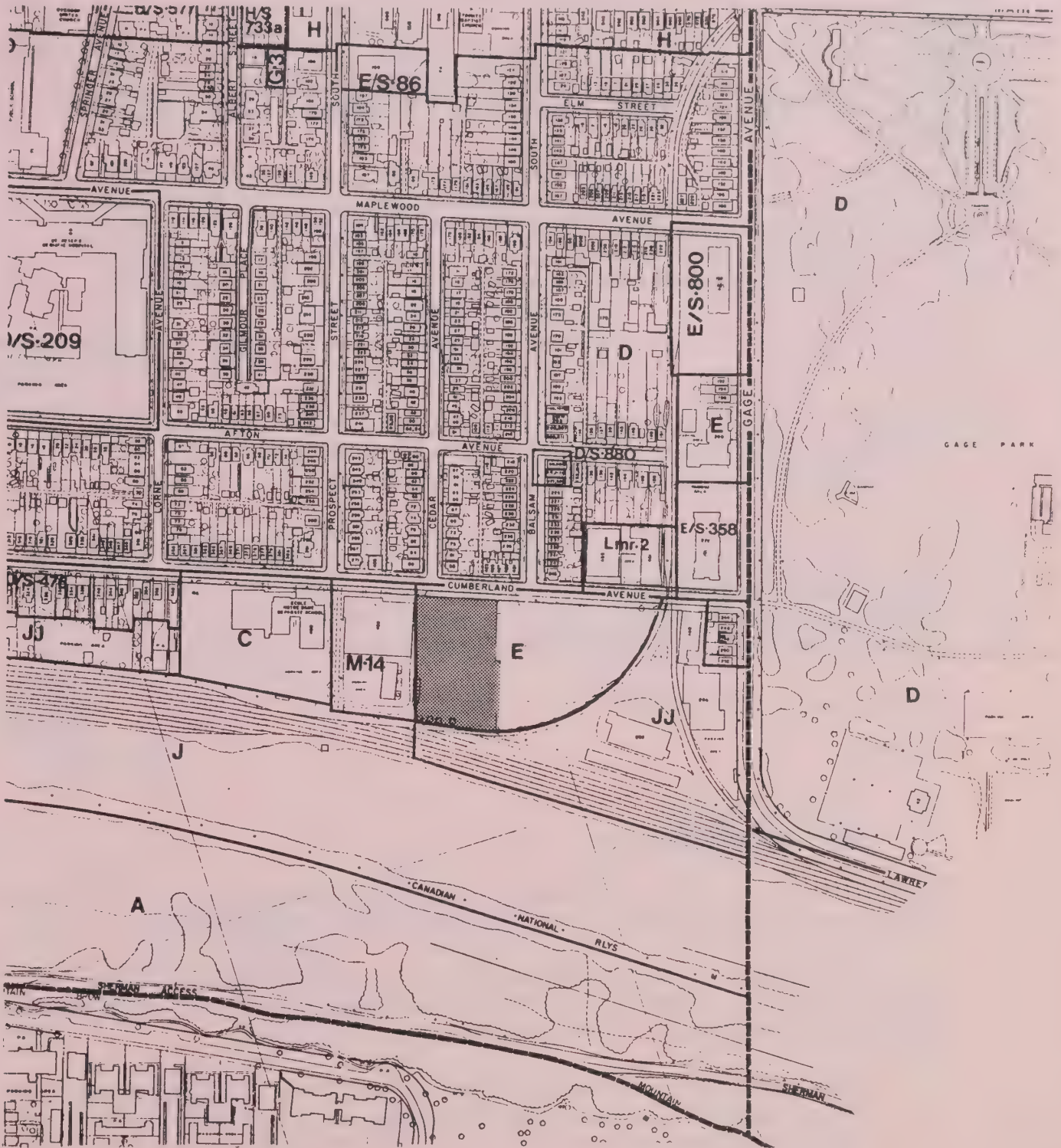


A revised landscape and grading plan is required to incorporate the various comments from the departments and agencies and to include the earth berm along the rear of the lands adjacent to the railway property. The earth berm and acoustical barrier and fencing will address buffering, security and noise attenuation from the railway lands. Construction features of the building including brick, window and ventilation will also address the noise attenuation measures as contained in the report by Vibran Limited. Red-lined notes on the plans have included those recommendations. A note has also been included on the plan that a warning clause concerning the rail traffic noise shall be included in the titles, deeds and rental applications of all the units.

It should be noted for information that the applicant is in the process of "Decommissioning" the site in accordance with the requirements and guidelines of the Ministry of the Environment and as required by the Ministry of Housing.

JPS/ma  
DA9160





BLAKELEY NO. 12

DELTA WEST NO. 37

**City of Hamilton**  
**Plan Showing**  
**Lands Subject to**  
**Site Plan Control**  
**Application DA-91-60**

Regional Municipality of Hamilton-Wentworth  
 Planning and Development Department

**Legend**



**Site of the Application**

**North**



**Scale**  
**1:5000**

**Date**  
**SEPTEMBER 1991**

**Reference File No.**  
**DA-91-60**

**Drawn By**  
**PB**





# THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

## TRAFFIC DEPARTMENT

Fax No. (416) 546-2419  
Tel No. (416) 546-4510  
TDD No. (416) 546-2448

1991 October 21

Mr. A. L. Georgieff, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: **DA-91-60 Revised**  
**430 Cumberland Avenue**

JC  
K.B.  
JPS

In response to your letter of 1991 October 17, please be advised that we have reviewed the above-noted revised application and have the following comments.

We had a number of concerns with the original plans which were outlined in our letter of 1991 September 30. There have been a few minor changes made but most of our concerns have not been addressed. Our concerns are again listed below.

1. We recommend that the bottom of the ramp be flared to increase maneuvering area which will eliminate one of the parking spaces. The curved portion of the ramp should also be widened to allow for two-way traffic movements. This is shown on the attached plan.
2. We recommend that the grade of the ramp for the first 7.5 metres from the property line be a maximum 5 percent and not 6 percent as shown.
3. There should be no wall at the end of the parking ramp which could obstruct a driver's visibility of on-street traffic.
4. The design of the loading area will not permit a large truck to turn around on-site, however, we will support that variance. Smaller trucks, such as garbage trucks, may also experience some trouble turning around in this area. We suggest that the

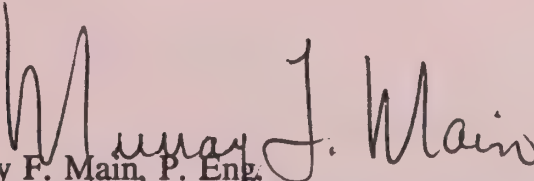


applicant provide a definite means of driving around the building to avoid this shortfall.

5. We previously recommended that the east access be widened to a minimum 7.5 metre width which the applicant has done. The applicant has maintained this 7.5 metre width driveway all the way to the south property line. From our point of view, it is only necessary to have the 7.5 metre width for the first 6.0 metres south of the north property line. Thereafter, the driveway can be the original 6.0 metre width.
6. We recommend that the west access be widened 1.0 metre to make it easier for eastbound trucks to turn into the loading area.
7. We recommend that the front drop-off/turn-around bay at the front of the building be redesigned as shown on the attached plan to improve the maneuvering area. This redesign will only decrease the total number of parking spaces by one.

We approve of the location of the accesses in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,

  
Murray F. Main, P. Eng.  
Director of Traffic Services

RK/WC/lem

Attachs.





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170  
Fax (416) 526-6665

007 17 024

Refer to File No. E220-0205  
Attention of E.Hicken  
Your file No. DA-91-60

DATE: October 15, 1991  
TO: J. Sakala, Planning and Development  
FROM: K.A. Brenner, P.Eng.  
Manager of Environmental Planning

SUBJECT: Site Plan Control Application DA-91-60 to Amend DA-89-45 for a 152 Unit Apartment Building at 430 Cumberland Avenue, Hamilton

Grading and Servicing

The grading plan submitted dated August 19, 1991, will be approved when the following revision has been made.

Please show the geodetic bench mark used to obtain the on site elevations on the grading plan.

Transportation Comments

We do not anticipate any road allowance widenings at this time.

All landscaping other than annual flowers and sodding should be on private property only and heavy landscaping such as trees ect. should be setback sufficient distance from the Cumberland Avenue road allowance limit so as not to interfere with the existing walk and utilities within the road allowance. All footings for concrete walls, underground parking and tie backs etc., are to be on private property only unless permitted by Council through the appropriate agreements etc. Any other works which may occur within the Cumberland Avenue road allowance must conform to the City of Hamilton Streets By-Law.

The City of Hamilton Traffic Department to comment on access, access design, overlaps with the property to the west, loading, manoeuvring etc. We require the establishment of 5 m x 5 m daylight triangles between the access and the Cumberland Avenue road allowance limits in which the maximum height of objects/vegetation, etc., is not to exceed a height of 0.60 m higher than the existing corresponding centre line (perpendicular) of Cumberland Avenue; (this applies to that portion of the parapet wall that falls within the triangle also) therefore the site plan, layout and grading plan and planting plan should be revised to reflect these requirements.

EH/ch  
*[Signature]*



Canadian Pacific



Canadien Pacifique

The message is complete if its trailer contains the following:

From: Tor ADENG/AGM

MERLIN ID: IFS0079

Transmission 23 59 15 16 contains 03 text pages, header, and trailer

CP Rail  
P.O. Box 4100  
2025 McCowan Road,  
AGINCOURT, Ontario  
M1S 4A8

Our File : 620.4-HAM-55.4

June 16, 1992.

The Regional Municipality  
of Hamilton-Wentworth  
Planning and Development Department  
71 Main Street West,  
HAMILTON, Ontario  
L8N 3T4

Attention: Mr. John Sakala

Re: Site Plan Control Application DA-91-60 (previously  
submitted under Site Plan Control Application DA-89-45)  
430 Cumberland Ave., City of Hamilton  
Mileage 55.4 Hamilton Sub. (formerly Mi. 35.5 Welland Sub.)

This letter is further to your letter dated February 18, 1992  
and our latest phone conversation of June 16, 1992.

Kindly be advised that our comments on this revised application  
DA-91-60 remain the same as in our letter dated May 11, 1989  
addressed to Mr. V.J. Abraham, M.C.I.P., Director of Local  
Planning.

Comments in our previous letter of May 11, 1989 are listed  
below:



We have reviewed the above-mentioned proposal and wish to state our opposition to it. Residential development in close proximity to our right-of-way is not compatible with Railway operations. The health, safety and welfare of residents could be adversely affected by our activities; however, since this land is already zoned residential, CP Rail requests the following conditions be imposed on the development:

1. A berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 metres above top of rail must be erected and maintained by the developer on the adjacent property parallel to our right-of-way. The berm portion must have a minimum height of 2.0 metres above top of rail.
2. Dwellings should be set back a minimum distance of 15 metres from the property line. Unoccupied buildings, such as garages may be exempted.
3. Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 metres of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion.
4. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate Ministry.
5. Clauses to be registered on and run with the title of all properties within 300 metres of our right-of-way warning prospective purchasers of the Railway's presence and also that the Railway will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.
6. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the Railway.
7. Any proposed utilities under or over Railway property to



serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

8. A 1.8 metre high chain link fence to be erected and maintained along the common property line of the Railway and development by the developer at his expense.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, your assurance that the above conditions will be imposed on the developer would be appreciated.

I would appreciate being advised of your decision regarding this application in due course.

Yours truly,

L. A. Clarke  
Superintendent







Hd)

**CITY OF HAMILTON**

**- FOR ACTION -**

**DATE:** June 9, 1992  
(P5-2-53)

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

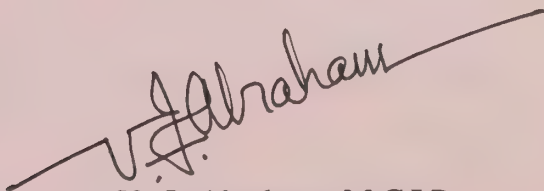
**SUBJECT:**

Requested deletion of proposed walkway Draft Plan Fontana Gardens between 826 and 832 West 5th Street, Gourley Neighbourhood.

**RECOMMENDATION:**

1. That Clause (A) in the Draft Plan of Subdivision Fontana Gardens condition be amended to delete the proposed walkway.
2. That the Neighbourhood Plan be amended to delete the proposed walkway.

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning



### ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A.

### ***BACKGROUND:***

On March 31, 1992, A. J. Clarke and Associates Limited (Ontario Land Surveyors - Consulting Engineers) on behalf of owner Frank Fontana (Draft Plan of Subdivision Fontana Gardens) has requested an amendment to delete the proposed 6.1 metre walkway (Appendix 1). This walkway is included as Clause (A) as stated in the approved Draft Plan of Subdivision conditions, approved on January 14, 1992 by City Council and on March 4, 1992 on behalf of the Region by the Commissioner of the Planning and Development Department (Appendix 2).

The purpose of this request is that the proposed road as shown on the attached Map will be constructed when the Fontana Gardens subdivision Plan is registered. The proponent feels that the proposed road will serve the same needs as the proposed walkway, without inconveniencing pedestrians from the neighbourhood (Appendix 3).

### ***ANALYSIS:***

The proposed walkway was required to provide a secondary pedestrian access in the event that the proposed road north of Chester Avenue was not built. The proposed road between 866 and 876 West 5th Street on lands owned by the City will serve the needs of pedestrians in the area.

### ***CONCLUSION:***

The proposed road to be built on the City lands will serve the needs of pedestrians in the area. Therefore, the requested deletion of the proposed walkway which is included as Clause (A) in the approved Draft Plan of Subdivision and Neighbourhood Plan would be acceptable.

G.G.:ns

GOURLEY



Would you kindly circulate this letter to the relevant departments for their consideration?

REGIONAL PLANNING BRANCH				A. LIBANI, M.S. (CIVIL), PENG			
SUBDIVISION OF COMMUNITY PLANNING & DEVELOPMENT				COMMUNITY PLANNING & DEVELOPMENT			
ADMINISTRATION				LOCAL PLANNING BRANCH			
FILE NO.	251-	FILE NO.	88010	APR 07 1992			
DATE RECEIVED				APR 03 1992			
TO:	INT.	ACT.	INRD.	INIT.	INFO.	ACT	
DIRECTOR/ DIV. HEAD			PREP.				
MANAGER			INSTR.				
STAFF			STAFF				



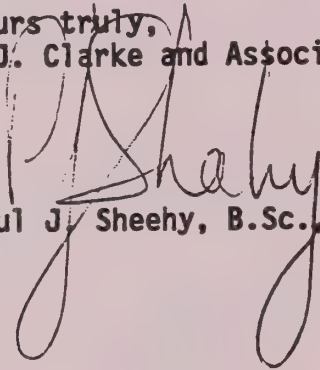


After the City planning department has had an opportunity to review this letter, we would request that a representative of the planning department contact the writer to arrange a meeting to discuss this matter further.

Thank you for your anticipated co-operation.

Please do not hesitate to contact the writer if you require additional information.

Yours truly,  
A.J. Clarke and Associates Ltd.

  
Paul J. Sheehy, B.Sc., O.L.S.

copy Mr. Frank Fontana



SCHEDULE I

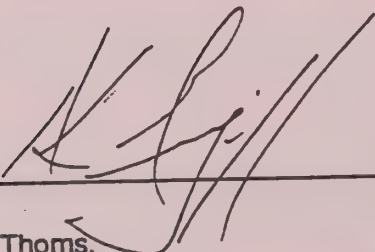
As authorized by By-law No. R89-171, I, J. D. Thoms, hereby approve draft plan of subdivision, "Fontana Gardens", Franco Fontana, owner, in the City of Hamilton, under Regional File No. 25T-88016, subject to the following conditions, (a) to (u).

- (a) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated March 12, 1991, revised to include a 6.1m walkway between Street "A" and West Fifth Street, together with resulting lotting changes and showing 42 lots and 29 blocks.
- (b) That the plan or parts of the plan not receive final approval until road access and municipal services are available to the lands.
- (c) That the centre line radius of Street "B" through the "S-bend" curves be increased to a minimum of 200.0m with a minimum 30.0m tangent between the two horizontal curves in order to allow sight distance between the two intersecting streets along Street "B".
- (d) That the future extension of Annabelle Street between Blocks 57 and 58 align centre line to centre line with the existing portion of Annabelle Street north of Chester Avenue.
- (e) That Street "B" align centre line to centre line with the extension of Annabelle Street south of Chester Avenue as it is shown on Plan 62R-11658 and the road allowance be reduced to 20.0m.
- (f) That Street "C" align centre line to centre line with the existing portion of Chesley Street north of Chester Avenue and be established to its full required width.
- (g) That the streets and the walkway be dedicated to the City of Hamilton as public highways on the final plan.
- (h) That a 2.0m x 2.0m daylight triangle be established at the corner of Lot 26.
- (i) That Blocks 42 and 43 be merged to form a lot.
- (j) That Blocks 44 to 64, inclusive, be developed only in conjunction with abutting lands.
- (k) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (l) That the final plan conform to the Zoning By-law approved under the Planning Act.
- (m) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (n) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and total area of development in the final plan.



- (o) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
- (p) That any "dead-ends" or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
- (q) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement, prior to the issuance of a final release by the City of Hamilton.
- (r) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (s) That the street widening be reduced to 5.18m in width and be dedicated to the Regional Municipality of Hamilton-Wentworth as public highway on the final plan.
- (t) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the Regional Municipality of Hamilton-Wentworth.
- (u) That prior to the signing of the final plan, the Region be advised by the City of Hamilton that conditions (a) to (r), inclusive, have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

Signed: \_\_\_\_\_

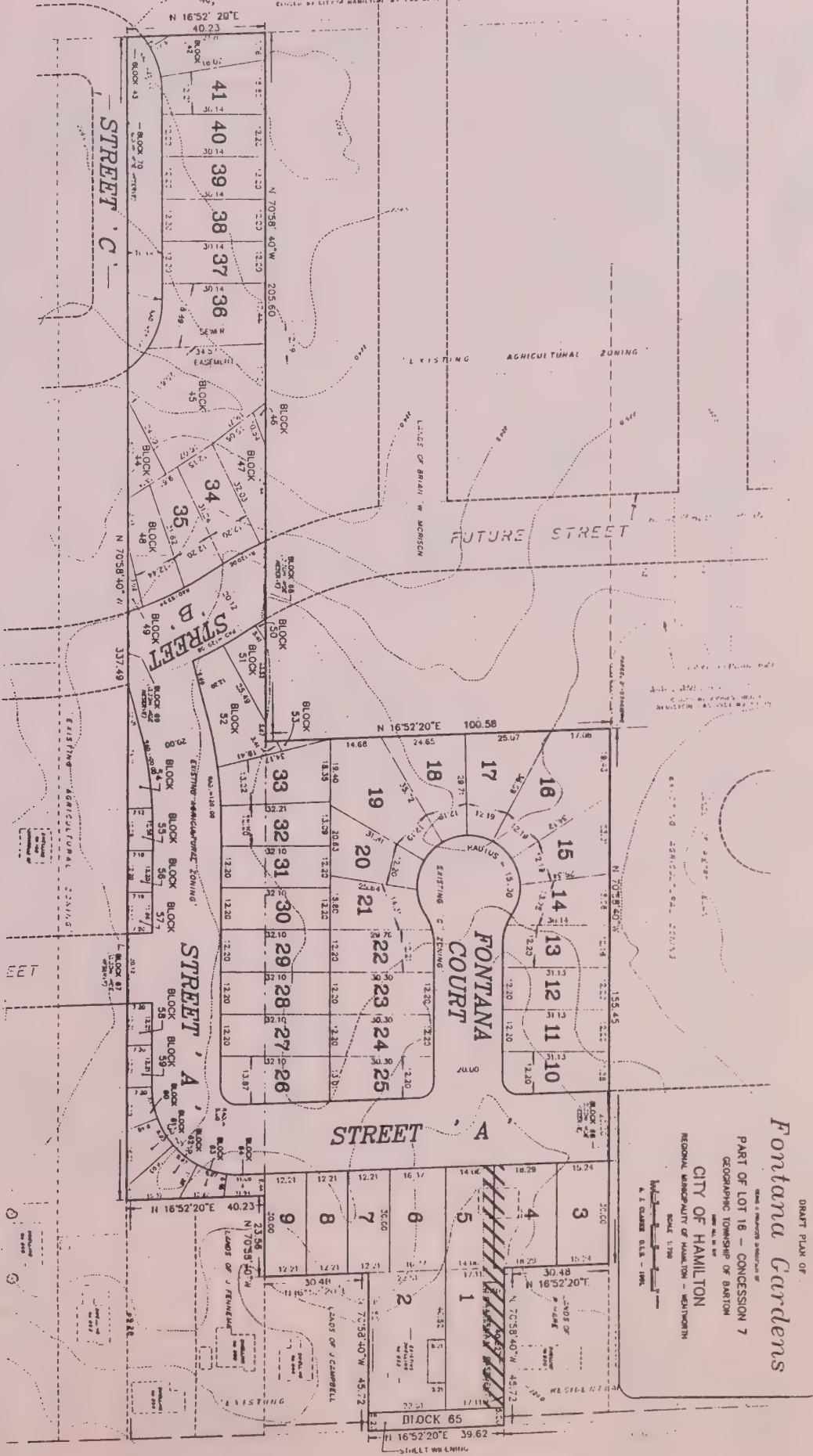
  
J. D. Thoms,  
Commissioner,  
Planning & Development Department

Date: \_\_\_\_\_

FEB 19/92



ORIGINAL ROAD ALIGNMENT BETWEEN TOWNSHIP 101S TO 102S  
N 16° 52' 20" E 40.23  
N 70° 58' 40" W 205.60  
N 16° 52' 20" E 100.58  
N 70° 58' 40" W 156.45  
N 16° 52' 20" E 40.23  
N 70° 58' 40" W 45.72  
N 16° 52' 20" E 39.62



Fontana Gardens

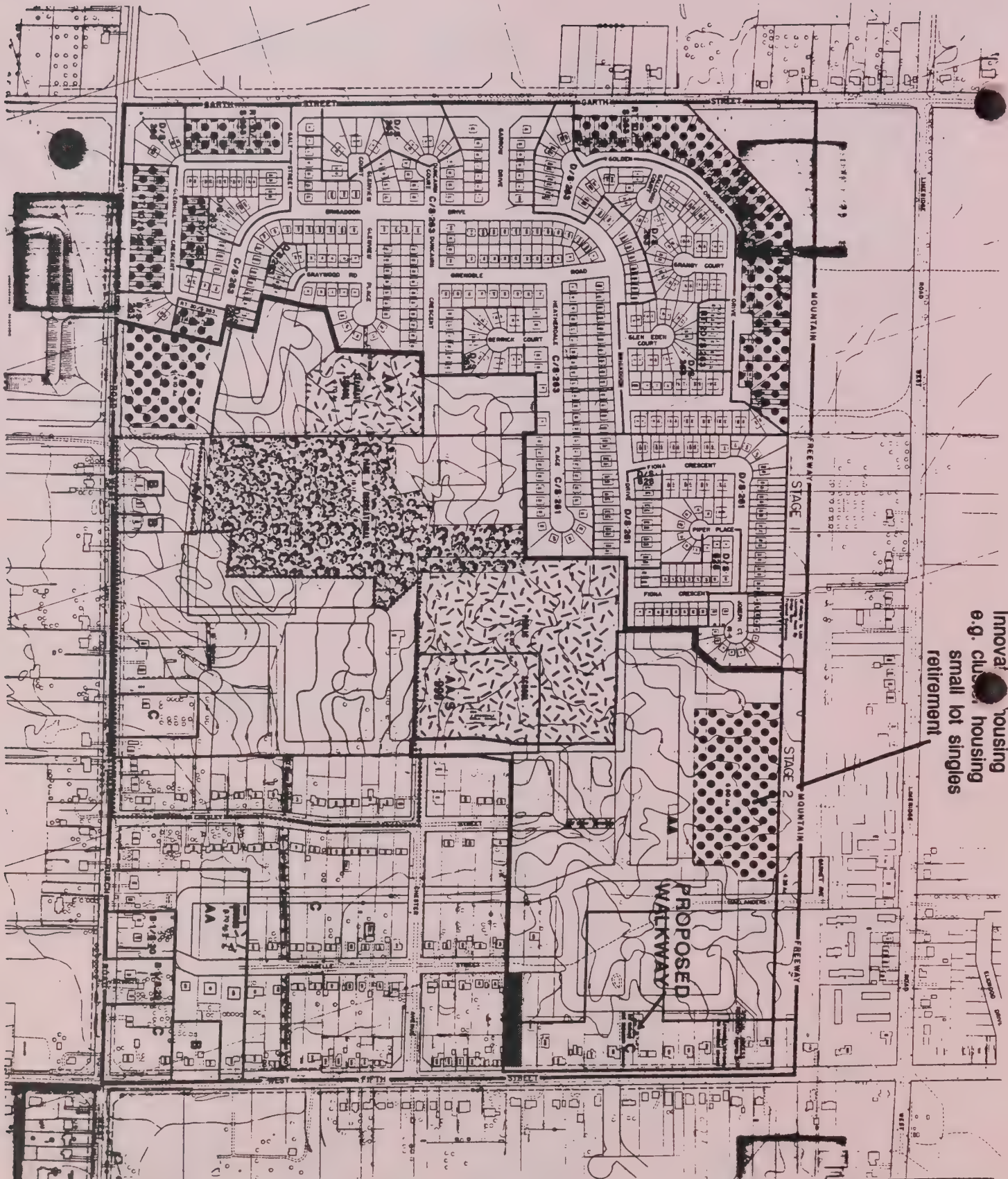
DRAFT PLAN OF  
PART OF LOT 18 - CONCESSION 7  
GEORGIAN TOWNSHIP OF BARTON  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH  
SCALE 1:1000  
N. E. CLARK & SONS  
1988

WEST FIFTH STREET

PROPOSED WALKWAY



Innovative housing  
e.g. cluster housing  
small lot singles  
retirement



PROPOSED ROAD

**Legend**

- Area Shaded
- Boundary Shaded Lines
- Public Street Lines
- City Limits
- Line of Large Lots
- Boundary Shaded

**Notes:**

- 1. The map shows the proposed layout of the site and is not to be used for any other purpose.
- 2. The map is subject to the approval of the Council of the City of Sydney.
- 3. The map is subject to the approval of the Council of the City of Sydney.

**City of Sydney**

**Independent Landmark**

**1988 POPULATION 2530**

**Land Use**

- Residential
- Single and Double
- Detached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments
- Non-Residential
- Commercial
- Industrial
- Cable and Institutional
- Park and Recreational
- Open Space
- Utilities

**GOURLY**

**APPROVED PLAN**

**Legend**

- Independent Boundary
- Survey Boundary
- The City Council Boundary
- Local Map Assessment Area 12 1990

**Notes:**

- 1. The map shows the proposed layout of the site and is not to be used for any other purpose.
- 2. The map is subject to the approval of the Council of the City of Sydney.
- 3. The map is subject to the approval of the Council of the City of Sydney.



CITY OF HAMILTON

He)

- RECOMMENDATION -

JUN 17 1992

**DATE:** 1992 June 17  
(P5-2-20)

JUN 17 1992

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

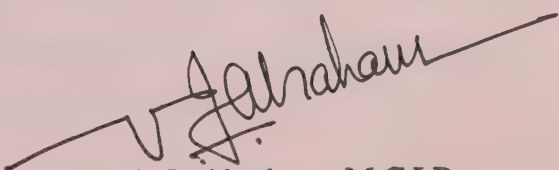
**SUBJECT:**

Carpenter Proposed Neighbourhood Plan Policies

**RECOMMENDATION:**

1. That approval be given to Official Plan Amendment No. to implement the Carpenter Neighbourhood Plan by redesignating lands located in the neighbourhood from: "Residential" to "Open Space"; "Residential" to "Major Institutional"; and "Residential" to Utilities on Schedule "A" Land Use Concept, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That the proposed plan and policies for the Carpenter Neighbourhood (Map 1 and Appendix 1) be adopted by Council.
3. That the Region be requested to proceed with the realignment of Upper Paradise in the Falkirk West Neighbourhood, in order to align with the proposed extension in the Carpenter Neighbourhood Plan.

J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning



## ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

## ***BACKGROUND:***

- On April 14, 1989 City Council approved the Carpenter Neighbourhood Plan.
- Subsequently, major undeveloped areas of the neighbourhood changed ownership. We were advised by the new owners that the approved plan would not meet their criteria for development, since the lands in the centre of the neighbourhood (53 acres) would no longer be developed for a retirement village, as designated in the neighbourhood plan. A Carpenter Neighbourhood Plan Review was requested.
- At the meeting of March 6, 1991 the Planning and Development Committee considered a request from the consulting firm Planning Initiatives Limited, on behalf of Brusan Development Corporation, to undertake the Carpenter Neighbourhood Plan review.
- The Committee approved the request and authorized Planning Initiatives Ltd. undertake the review of the Carpenter Neighbourhood, in consultation with the Planning and Development Department.
- The Background Report, Policy Report and Neighbourhood Plan has been prepared by Planning Initiatives Ltd. The Planning and Development Department has reviewed and commented on these reports.
- The Proposed Plan will require an amendment to the Official Plan to implement the proposed Neighbourhood Plan revisions.
- The Carpenter Neighbourhood Plan attempts to provide a functional and attractive living environment for existing and future residents of the neighbourhood.
- On February 11, 1992 a report was prepared by the Planning and Development Department, outlining the proposed plan for the Carpenter Neighbourhood and recommending that a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting on February 19, 1992.
- A public meeting was held on March 16, 1992 to discuss the proposed neighbourhood plan and associated official plan amendments. Following the meeting two written submissions were received. Major issues discussed at the public meeting and identified in the submissions included:



- Proposed housing types;
- Lot sizes;
- Zoning districts;
- Proposed extension of Garth Street;
- Traffic movements; and,
- Sewer services.

For further information, the following documents are available from the Secretary of the Planning and Development Committee:

- Planning and Development Department report dated February 11, 1992; and,
- Record of the Public meeting held on March 16, 1992.

### Submission Review

The following is an analysis of issues identified in the submissions:

#### 1.0 Issue: Proposed Attached Housing Designation north-west corner of Proposed Park and Recreational and School Sites

Submissions: 1. Mr. and Mrs. R. Ashbaugh 509 Rymal Road West  
2. Mr. and Mrs. T. Studer 545 Rymal Road West

Concern: These residents object to the proposed attached housing designation location as shown in the north-west corner of the proposed park site and recreational site and proposed school site. They suggest that the attached housing designation be relocated to the south side of the proposed park and recreational site.

Comment: The neighbourhood plan has been adjusted accordingly, by redesignating the proposed attached housing to single and double residential. The proposed attached housing site is relocated to the south of the proposed park and recreational site and proposed school site.

#### 2.0 Issue: Proposed Attached Housing Designation South-West Corner of Rymal Road West and proposed Garth Street Extension

Concern: The Carpenter residents at the Public Meeting also expressed opposition to the attached housing designation at the south-west corner of Rymal Road West and the proposed Garth Street extension. It was suggested that townhouses are not compatible with the suburban setting of the existing single family houses.



**Comment:** The development of the corner as a single project provides for a more controlled access onto this major corner, than a number of individual driveways that would be provided if the site was developed for single-family residential housing.

In addition, the City's Official Plan states that each neighbourhood should provide a mixture of residential dwelling types, to provide a choice of accommodation for the residents in any part of the City. Therefore, some townhousing is provided in the neighbourhood, including this site. This site is appropriate for townhousing as it is on the periphery of the neighbourhood area and will have a minimal impact on adjacent uses.

### 3.0 Issue: Traffic/Regional Roads Departments Concerns

**Concern:** The Departments have suggested that provisions should be made to allow for the future alignment of the existing Upper Paradise Road with the Upper Paradise Road extension in the Carpenter Neighbourhood. To implement the alignment would require municipal acquisition of properties either in the Falkirk West or Carpenter Neighbourhoods depending on the selected option.

**Comment:** On the basis of the above, the cost estimates for these two alternatives are:

Option 1: A direct extension of the existing Upper Paradise Road would require the purchase of the property known as 641 Rymal Road West. The estimated costs are approximately 850,000 dollars.

Option 2: The realignment of the existing Upper Paradise Road to connect to the proposed Upper Paradise Road extension would require the purchase of land from 600 Rymal Road West. The estimated costs are approximately 1,000,000 dollars.

The estimates do not include the installation and/or construction of watermain, storm and sanitary sewer's roads and sidewalks.

As these costs are close, it is suggested that the acquisition of the existing house at No. 641 Rymal Road West be avoided and Upper Paradise Road be realigned in the Falkirk West Neighbourhood. In addition, it should be noted that the previously approved Carpenter Neighbourhood Plan was predicated on a realignment of Upper Paradise in the Falkirk West Neighbourhood. Therefore, the appropriate staff should be directed to begin acquiring the necessary lands to realign Upper Paradise Road.



**Concern:** The Departments are concerned that the immediate development of the westerly part of the Carpenter Neighbourhood is premature until Upper Paradise Road has been realigned. Allowing left hand turns from Rymal Road to the proposed Upper Paradise Road extension as shown on the proposed draft Plan of subdivision (Highridge South) is not desirable because the distance between the intersections would interfere with the traffic movements. While some development could be permitted, the plan would have to be staged until alternate accesses became available.

**Comment:** The Departments suggest that the subdivider provide a temporary one way entrance from Rymal Road between 707 and 723 Rymal Road. This would eliminate the need for left hand turn traffic movements from Rymal Road to the proposed Upper Paradise Road extension. This has been included in the Neighbourhood Plan. The temporary access will be removed from the plan once Upper Paradise Road has been appropriately realigned. While this is one option, an alternative would be to provide a left hand turning lane from Rymal Road to the proposed Upper Paradise Road extension. However, development would have to be limited to a level that would not create unsafe traffic conditions. These options should be addressed in more detail at the subdivision approval and rezoning stage (to be presented to the Planning and Development Committee at its July 22nd meeting).

### ***CONCLUSION:***

Based on the above, the revised Carpenter Neighbourhood Plan and accompanying policies (Map 1 and Appendix) should be adopted. An Official Plan Amendment implementing the proposed plan is also required. In addition, the Region should be directed to begin the realignment of Upper Paradise Road in the Falkirk West Neighbourhood to permit development of the Carpenter Neighbourhood.

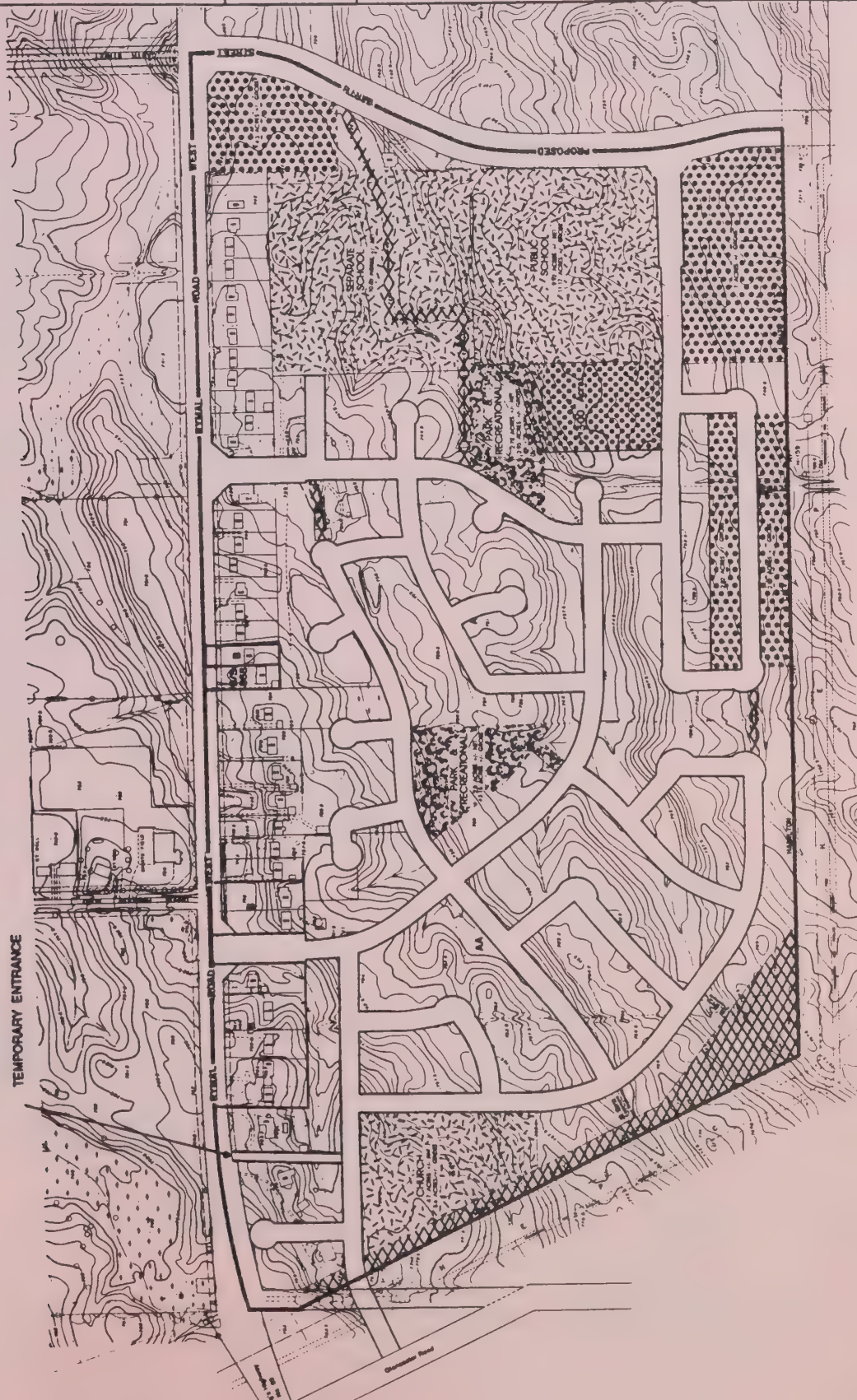
GG/ns

B:\CARPENTER




## APPENDIX





# MAP 1





City of Hamilton  
Neighbourhood Location

**1988 POPULATION 253**

**LEGEND**

--- Sewer Easement  
--- Possible Future Roads

**LAND USE**

Single and Double  
Attached Housing

City and Institutional  
Park and Recreational  
Utilities

**CARPENTER  
PROPOSED PLAN**

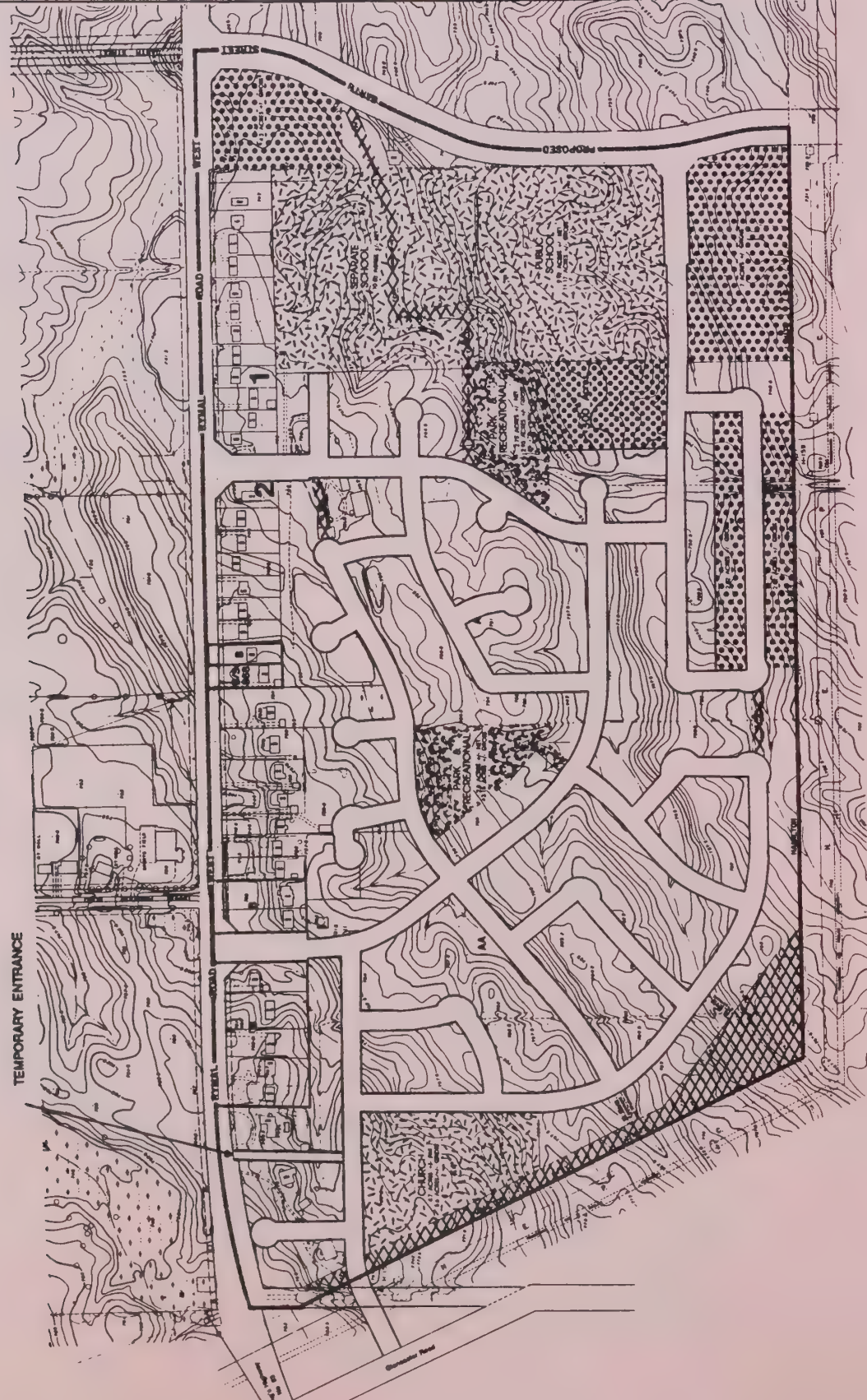
**MAP 2**

Note: This is a plan that may be subject to change. For more information, contact the Local Planning Officer of the City of Hamilton.

Approved: \_\_\_\_\_  
 Planning Officer  
 City of Hamilton

Neighbourhood Boundary  
 Zoning Boundary  
 Site Plan Control Boundary  
 Latest Map Amendment

Scale: 1" = 100'



**SUBMISSIONS**

1. Mr. & Mrs. R. Ashbaugh 509 Rymal Road West
2. Mr. & Mrs. T. Studer 545 Rymal Road West



## APPENDIX



**DRAFT**  
**CARPENTER NEIGHBOURHOOD**  
**POLICIES AND PLAN**

**Prepared by:**

**Planning Initiatives Ltd.**  
**Engineers, Planners and Landscape Architects**

**REGIONAL MUNICIPALITY OF**  
**HAMILTON-WENTWORTH**

**APPROVED BY PLANNING AND**  
**DEVELOPMENT COMMITTEE**

**ADOPTED BY COUNCIL**



## TABLE OF CONTENTS

	<u>PAGE</u>
1.0 INTRODUCTION	1
2.0 CARPENTER NEIGHBOURHOOD PLAN AND POLICIES	1
3.0 OBJECTIVES, POLICIES AND ACTIONS	2
OBJECTIVE 1 - RESIDENTIAL	2
OBJECTIVE 2 - COMPATIBILITY	2
OBJECTIVE 3 - VARIETY OF HOUSING TYPES	3
OBJECTIVE 4 - ENERGY EFFICIENT DESIGN	4
OBJECTIVE 5 - COMMERCIAL FACILITIES	4
OBJECTIVE 6 - NON-COMPLYING USES, LIGHT INDUSTRIAL	5
OBJECTIVE 7 - INSTITUTIONAL - SCHOOL AND RELIGIOUS FACILITIES	5
OBJECTIVE 8 - PARKS AND OPEN SPACE	7
OBJECTIVE 9 - COMMUNITY SERVICES	7
OBJECTIVE 10- TRANSPORTATION - ROAD SYSTEM AND PEDESTRIAN/BICYCLE PATHS AND TRANSIT	8
OBJECTIVE 11- INFRASTRUCTURE	9
4.0 ADMINISTRATION PROVISIONS	10
<b>APPENDICES</b>	
- APPROVED PLAN	
- NEIGHBOURHOOD ANALYSIS	



## 1.0 **INTRODUCTION**

Since the initiation of the Carpenter Neighbourhood Plan and Policies in 1987, there have been several changes regarding development and demographics in the south-western area of Hamilton. The purpose of this study is to investigate and update the current planning status of the Carpenter Neighbourhood. The updated evaluation will allow for a better determination of the proposed development which will permit efficient and effective urban land uses within the study area.

## 2.0 **CARPENTER NEIGHBOURHOOD PLAN AND POLICIES**

### Carpenter Neighbourhood Plan and Policies

The Carpenter Neighbourhood review is a guide to assist future development pattern within the area and is an extension and elaboration of policies which exist in the Hamilton and Regional Official Plans, in addition to the Ontario Government's 1989 Provincial Housing Policy Statement.

The Plan consists of two parts:

1. A diagrammatic representation of the street pattern and land use location.
2. A set of written policies ranging from the broad to the more specific.

The goals represent the broad overall aims for the neighbourhood. The objectives which are more specific focus on the aims for each land use. The policies are the governing principles through which the objectives may be achieved. Finally, the actions refer to particular initiatives which the City and/or other agencies must undertake to implement the objectives and policies.

### A. **GOALS**

1. The Plan will provide a variety of housing types ranging in density from low to medium.
2. The Plan will provide for a minimum of 25% affordable housing within the Neighbourhood, in accordance with the Provincial Policy Statement on Land Use Planning for Housing.
3. The Plan will provide for a gradation of density in order to ensure compatibility with the existing low density area.



4. The Plan will be designed to provide a convenient, safe and visually pleasing living environment.
5. The Plan will promote energy conservation through the use of passive solar gain, public transit and pedestrian walkways.
6. Sufficient park and open spaces shall be provided for future and existing residents.

### 3.0 **OBJECTIVES, POLICIES AND ACTIONS**

#### **Objective 1 - Residential**

The Carpenter Neighbourhood will have a variety of housing types including single family dwellings, semi-detached dwellings and townhouses.

#### **Policies**

1. The lowest densities will be those that presently exist along Rymal Road West and any infilling developments which are permitted in this area. Changes in housing densities will be gradual so that change is compatible with existing residential densities.
2. Low density residential consisting of single family and semi-detached housing shall not exceed 17.9 units per gross hectare (7.25 units per gross acre) and medium density consisting of attached townhouse dwellings shall not exceed 29.6 units per gross hectare (12 units per gross acre).

#### **Action**

1. The City will encourage development which provides a range of housing types with higher density being on the periphery of the Neighbourhood and located in close proximity to open space, parklands and school sites.

#### **Objective 2 - Compatibility**

Future residential development will be compatible with the existing residential units fronting Rymal Road West.



Policies

1. New development located adjacent to existing dwelling units will be similar in character.
2. Infilling lots along Rymal Road West will be similar in size to existing lots.
3. All new development should take into account the possible shadow effects on existing development.

Actions

1. The zoning process will help ensure that new developments are compatible with existing developments.
2. Infill development, where appropriate, will be encouraged by the City.

Objective 3 - Variety of Housing Types

A mixture of residential housing units will be provided.

Policies

1. Encouragement will be given to types of housing for all income and age groups.
2. Multiple dwelling units will be encouraged on the periphery of the Neighbourhood and next to open space, parklands and school facilities.

Actions

1. The City will endeavour to promote Government assisted housing by encouraging non-profit organizations to make use of available Government programs.
2. The City will support development proposals which offer a variety of housing types where appropriate.



#### **Objective 4 - Energy Efficient Design**

Residential development should make use of microclimatic features such as topography and vegetation in order to maximize the passive use of solar energy.

##### **Policies**

1. Encouragement will be given to development which maximizes passive use of solar energy.
2. Encouragement will be given to the planting of deciduous trees on the south face of buildings to promote shading in the summer and light access in the winter. Similarly, coniferous trees should be located on the north faces for cooling and heating purposes. Mature trees will be retained wherever possible.
3. Deeper lots should be provided along east-west streets to increase solar access.
4. Existing services will be maximized to ensure economic use of existing infrastructure.
5. HSR Transit will be encouraged to provide adequate service to the Neighbourhood.
6. Pedestrian access and walkways will be utilized to encourage walking trips.

##### **Action**

1. The City will encourage development of residential areas in a manner which maximizes the use of energy efficient design.

#### **Objective 5 - Commercial Facilities**

Residents of the neighbourhood will have access to community shopping facilities in adjacent neighbourhoods.

##### **Policy**

1. The major convenience shopping facilities for the residents of the neighbourhood shall be those being provided in the Falkirk East Neighbourhood.



Action

1. The City will encourage and support improved pedestrian access along the south side of Rymal Road West for the convenience of the residents walking to the shopping facilities in the Falkirk East Neighbourhood.

**Objective 6 - Non Complying Uses: Light Industrial**

No lands will be used for light industrial in the Carpenter Neighbourhood in the long term.

Policy

1. The existing light industrial use will be discouraged from expanding, and new industrial uses will not be permitted since no Light Industrial Uses are proposed for the Neighbourhood.

Action

1. The City should encourage relocation of the existing light industrial use at 625 Rymal Road West.

**Objective 7 - Institutional (Schools and Religious Facilities)**

- School Sites

Adequate school facilities should be provided for the residents of the Carpenter Neighbourhood, either within the neighbourhood or in the vicinity.

Policies

1. The Public Board of Education and Separate School Board will be encouraged to develop one or both of their properties at the east end of the Neighbourhood for a school or schools. If only one school site is to be developed, preference will be given to the southern parcel currently owned by the Public School Board.
2. Consideration should be given to using the future school after hours to provide additional community services.



### Actions

1. If either the Public or Separate School Board decides to sell its lands, the other Board will be given priority to purchase. The City will encourage the School Boards to cooperate with land exchanges in order to ensure that if only one school is to be developed, then preference will be given to the southerly parcel, since these lands are adjacent to the proposed Neighbourhood Park with access to the Garth Street extension.
2. If only one school is to be built within the Neighbourhood, preference will be given to the southerly parcel currently owned by the Public School Board.
3. In the event that one or both of the School Boards decides not to build a school, the City will reconsider the designation of these lands.

### Religious Institutions

Religious institutions are considered to be an important community service and are encouraged to locate within the Carpenter Neighbourhood. The lands owned by the Roman Catholic Diocese, along the westerly boundary of the neighbourhood, can be developed for a place of worship and accessory uses, under Zoning By-law No. 6593.

### Policies

1. Religious institutions will be encouraged in appropriate locations, such as along arterial roads, and/or on lands currently owned by church organizations.
2. Development of a church will be encouraged on the lands owned by the Roman Catholic Diocese, located on the western edge of the neighbourhood. Alternatively, these lands could be developed for residential uses should the Diocese elect not to build a church.

### Action

1. The City will support plans for the development of a church, synagogue or other place of worship provided it does not adversely affect surrounding land uses.



### **Objective 8 - Parks and Open Space**

The parks and open spaces within the Carpenter Neighbourhood will be developed and designed to meet the needs of the residents.

#### **Policies**

1. The Neighbourhood parks will be developed to provide passive and active recreational facilities appropriate for the needs of the residents.
2. The Ontario Hydro corridor may be used for passive open space and as part of a pedestrian/bicycle system, provided Ontario Hydro gives permission for such uses on its corridor.

#### **Actions**

1. The City should encourage development that provides a systematic arrangement of linear parks/walkways/bicycle paths in order to facilitate the needs of the residents.
2. The City should request Ontario Hydro to use its corridor for passive open space and as part of a pedestrian/bicycle system.

### **Objective 9 - Community Services**

Adequate community services will be provided for residents of the Carpenter Neighbourhood, mainly by means of facilities located in adjacent neighbourhoods.

#### **Policies**

1. Recreational, cultural, library and other services will be provided by means of facilities located in the Falkirk East Neighbourhood or in other nearby neighbourhoods.
2. The Westmount Community Centre and the Sir Allan MacNab Community Centre will serve the neighbourhood until such time as facilities are provided closer to the Carpenter Neighbourhood.

#### **Action**

1. The Library Board should monitor the neighbourhood development to determine the need to expand library services in the West Mountain Area.



**Objective 10 - Transportation -**  
**(Road System and Pedestrian/Bicycle Paths and Transit)**

• **Road System**

The road patterns will be designed to recognize the undulating topography and where feasible, maximize energy efficiency without jeopardizing the safety and the convenience of residents.

**Policies**

1. The street system will be designed in an east-west orientation, where economically feasible, maximizing the potential solar energy use for the residential lots.
2. The internal street systems, for safety and amenity reasons, will be designed to discourage through traffic.
3. The arterial will be upgraded to accommodate future development, and internal roads will be constructed as required.
4. Garth Street will be extended southerly to the City limits, when warranted.
5. Traffic lights should be installed, when warranted, at the intersections of arterial roads along Rymal Road West.

**Action**

1. The City will endorse an internal road system for the neighbourhood which clearly identifies the collector road, minimizes the number of stops, and discourages through traffic.

• **Pedestrian/Bicycle Paths and Transit**

Pedestrian/bicycle paths on public lands and public transit will be promoted by the City.

**Policies**

1. The City should assess the need for constructing sidewalks if bicycle and/or pedestrian paths are provided serving the same purposes.
2. Public transit routes will serve as many people as possible by locating bus stops in convenient and accessible areas.



### Actions

1. The City will encourage the development of the bicycle/pedestrian paths through the process of subdivision and site plan control.
2. The City will encourage the Hamilton Street Railway to provide bus routes in appropriate locations.
3. The City will encourage Hamilton Street Railway to provide shelters and/or benches at most bus stops.

### Objective 11 - Infrastructure

Municipal services, including storm and sanitary sewers and water, will be provided for the Carpenter Neighbourhood.

### Policies

1. The City will request Environmental Services to provide storm and sanitary sewers and an adequate water supply capable of serving the residents in the neighbourhood.
2. The City will discourage "leap frog" development by providing extensions of existing services.
3. The City will support the staging of development and the use of temporary storm water management areas pending the completion of the overall storm sewer system.

### Action

1. Environmental Services will assess the need for the extension of municipal services in the neighbourhood on a periodic basis.



#### 4.0 ***ADMINISTRATIVE PROVISIONS***

The Neighbourhood Plan is a policy of City Council but is not incorporated into the Official Plan. The Plan is not intended to be rigid. It is expected there will be changes from time to time in response to new circumstances. However, changes should reflect the general goals of the Plan. Very minor alterations in land use and boundaries will not need a Plan Amendment. However, other changes will need Council approval and full participation of those affected.

An Official Plan Amendment is required if any Commercial, Open Space and Institutional designation exceeds 0.4 ha (1.0 ac). Any other changes to the Neighbourhood Plan which do not conform to the Official Plan will require amendments.







# Neighbourhood Analysis

Gross Area : 69.00 Ha. 170.5 Ac.  
 Gross Residential Area : Ha. Ac.  
 Residential Gross Density #DIV/0! P/Ha. #DIV/0! P/Ac.  
 Population : 2963  
 Gross Density : 42.94 P/Ha. 17.38 P/Ac.

Name: **CARPENTER**

Date: May-92

Category	Use	Ha	Acres	%	Unit	%	Person	%	U/Ac.	P/U	Remarks
<b>Existing and Committed Development</b>											
Residential	"B"	2.21	5.45	24.62	8	21.62	28	21.54	0.6813	3.5	8 Existing Units
	B/S	0.20	0.50	2.26	1	2.70	4	3.08			1 Existing Unit
	AA	6.55	16.19	73.13	28	75.68	98	75.38			28 Existing Units
Total		8.96	22.14	100	37	100	130	100			
<b>Undeveloped (Draft Plan Highridge South)</b>											
Residential	Single & Double	15.93	39.36	26.53	231	28.54	809	16.65		3.5	
Park & recreational		3.15	7.78	5.24					12	3.5	
Sub Total		19.08	47.14		231		809				
<b>Undeveloped (Outside Draft Plan Highridge South)</b>											
Residential	Single & Double	18.93	46.77	31.52	339	41.90	1187	24.43	7.25	3.5	
Attached Housing		8.07	19.94	13.44	239	29.56	837	17.24	12	3.5	
Park & Recreational		1.20	2.97	2.00							
Civic & Institutional	Church	2.27	5.60	3.77							
	Public School	4.52	11.17	7.53							
	Separate School	4.31	10.65	7.18							
Utilities	HEPC	1.67	4.12	2.78							
Sub Total			101.22		578		2024	41.68			
Total		60.04	148.36	100	809	100	4857	100			
<b>Design Plan</b>											
Residential	Single & Double	43.82	108.27	63.50	607	71.73	2125	71.73			
Attached Housing		8.07	19.94	11.70	239	28.27	837	28.27			
Civic & Institutional	Church	2.27	5.60	3.28							
	Public School	4.52	11.17	6.55							
	Separate School	4.31	10.65	6.25							
Park & Recreational		4.35	10.75	6.30							
Utilities		1.67	4.12	2.42							
<b>TOTAL</b>		69.00	170.50	100	846	100	2963	100			







Hf)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** June 18, 1992  
(P5-4-3-18)

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

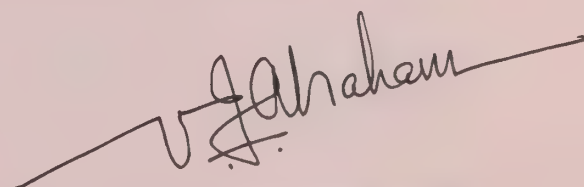
**FROM:** Mr. J. D. Thoms,  
Commissioner of Planning and Development

**SUBJECT:** Urban Design Analysis -  
Central Business District (CBD) Study

**RECOMMENDATIONS:**

- 1) That the report entitled Guidelines for an Integrated Central Business District: Focus Area prepared by John Mockrycke, Architect, be received;
- 2) That the Planning and Development Committee give authorization to hold a public information meeting to consider the report Guidelines for an Integrated Central Business District: Focus Area prepared by John Mockrycke, Architect; and,
- 3) That staff examine appropriate mechanisms for implementation of the urban design suggestions contained in the report Guidelines for an Integrated Central Business District: Focus Area and report back to Planning and Development Committee.

**J. D. Thoms, M.C.I.P.**  
Commissioner,  
Planning & Development Department



**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



## **BACKGROUND:**

As part of the work program for the Central Business District (CBD) Study, Planning & Development Department staff have reviewed detailed statistics on the Central Business District. Some of the data collected and analyzed include:

- ° population and demographic trends;
- ° employment and labour force characteristics;
- ° land use patterns;
- ° inventory of major office buildings; and,
- ° traffic and pedestrian movements.

As a result of this detailed background work, it was determined that an urban design review for the CBD would also be appropriate. Recognizing the large geographic area encompassed by the Central Business District and the limitation of Provincial funding for the Study, Hughson Street between Hunter Street and King William Street was chosen as the focus for the detailed urban design review and analysis. The study would examine opportunities for redevelopment from an urban design perspective and establish urban design principles that could be applied throughout the CBD.

Mr. John Mockrycke, Architect, was retained to complete the Hughson Street review; the report, entitled Guidelines for an Integrated Central Business District: Focus Area, has been distributed to Committee members.

## **COMMENT:**

The report prepared by John Mockrycke contains a number of interesting ideas and concepts that will have a positive impact on the ambience of this part of the Central Business District. The challenge will be to replicate the themes and principles identified specifically for Hughson Street to other areas of the Central Business District. Accordingly, a process of public review and comment should be developed to gather opinions and thoughts on the ideas contained in the Mockrycke report. From this review, urban design principles can be established which could be incorporated into the Central Area Plan.

In addition, the City should examine the specific urban design ideas suggested for Hughson Street and offer a framework for implementation and the specific mechanisms required for implementation, if appropriate.

KE/



**CITY OF HAMILTON**

Ia)

**- INFORMATION -**

**DATE:** 1992 June 18

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

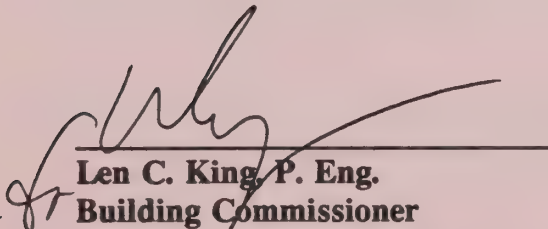
**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition Permits During Summer Months

**BACKGROUND:**

Please be advised that under direction of a resolution passed by City Council on June 28, 1983, the Building Commissioner is authorized to issue demolition permits for those applications approved by the Planning and Development Committee for the summer months.

Please find attached a copy of the resolution, Section 14 of the Planning and Development Committee report to City Council on June 28, 1983. Unless the Committee wishes to direct otherwise, the above procedure will be followed for the summer months.



\_\_\_\_\_  
Len C. King, P. Eng.  
Building Commissioner

GR/LCK/zr

Attachment



13. That the Building Commissioner be authorized to issue Demolition Permits for the demolition of residential buildings as outlined below for which application has been processed through the Building Department and the Planning and Development Committee:-

520 Melvin Avenue

104 Burton Street

14. That the Planning and Development Committee be authorized to deal with **Demolition Permit Applications** during the months of June, July and August, by directing the Building Commissioner to issue Demolition Permits for those applications approved by the Committee, and that the Committee report its actions for final approval to the next regular meeting of City Council.

**Explanatory Note** - Since City Council meets only once a month during the summer months, and in order to avoid unnecessary delays, the procedure of issuing Demolition Permits, as recommended above, has been in practice for the last three years.

15. That the City Solicitor be authorized and directed to amend the **Property Standards By-law** by adding a Subsection 5 to Section 32 of the said By-law as follows:

- (a) The Chief Property Standards Officer may repair or demolish for the Corporation of the City of Hamilton in accordance with Section 36 of By-law No.74-74 passed pursuant to Section 43 of The Planning Act, where the cost of said operations does not exceed \$1,000.00 and the necessary by-law to place the cost on the tax roll be submitted for Council's approval on completion of the work.

**Explanatory Note** - The Task Force Sub-Committee for derelict buildings, recommended the Property Standards By-law be amended to provide these powers, to expedite the necessary small repairs, such as steps, eavestroughs, potential hazards to other properties, and to demolish sheds, small garages, etc., that are in violation of By-law No.74-74 without the delay of passing separate by-laws by City Council, which in summer for an example, can delay the enforcement of by-laws under this authority for up to six weeks.

Preceding any work or demolition a final and binding Order must be processed in accordance with Section 43 of The Planning Act, including all Notice, Order and Appeal procedures.

16. That the City Solicitor be authorized and directed to amend the **Property Standards By-law** by deleting Subsection 36(a) and replacing it with the following new Subsection (a) as follows:

- (a) Shall have the right to repair or demolish the property accordingly, including the clearing of the site of a partially demolished building, or make the site safe or impede entry by erecting fences, barricades, or barriers, and for this purpose with its servants and agents from time to time, to enter in and upon the property.

**Explanatory Note** - The Task Force Sub-Committee for derelict buildings recommended the Property Standards By-law be amended to provide means to protect the public from unsafe or other hazardous conditions. Preceding any work



I b)

**CITY OF HAMILTON**

**- INFORMATION -**

**DATE:** 1992 June 16

**REPORT TO:** T. Agnello, Secretary  
Planning and Development Committee

JUN 16 1992

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Approved Site Plan Control Application.

**BACKGROUND:**

The following Site Plan Control Applications were approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-03	-	21-71 Sanford Avenue North
DA-91-73	-	90 Glover Road







P+D letter March 25/92  
Tabled.  
P+D letter Apr 8/92 Further Tabled  
TA  
P+D May 20/92  
Further tabled  
TA

**CITY OF HAMILTON**

**- RECOMMENDATION -**

3a)

**DATE:** 1992 March 9  
ZA-89-94  
Broughton West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

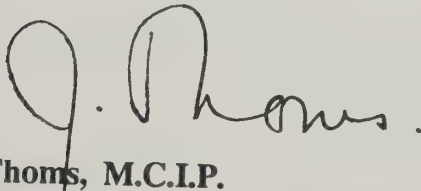
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Condition of approval - No. 820 Rymal Road East.

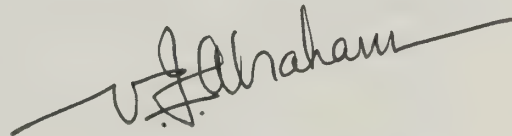
**RECOMMENDATION:**

That the Planning and Development Committee reaffirm its decision of December 13, 1989, as set out under Section 13 of the First Report for 1990, as follows:

- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

**BACKGROUND:**

- Zoning Application 89-94

At its meeting of December 13, 1989, the Planning and Development Committee approved the subject application for an Official Plan Amendment to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit the development of a commercial shopping plaza.



Approval of the application was conditional on the following:

- "C. That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

For the information of the Committee, the Planning Department had recommended denial of the application for the following reasons:

- "i) The proposal conflicts with the intent of the Official Plan and the approved Broughton West Neighbourhood Plan which designate the lands for "Residential" use.
- ii) There is an adequate supply of commercially designated/zoned lands (approx. 38.0 acres) in the surrounding area along Rymal Road to serve the needs of the residents in this area.
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan."

City Council at its meeting of January 30, 1990, approved the recommendation of the Planning and Development Committee to allow the application.

- Block "288"

At the rear of the applicant's lands is an irregular strip of land (approx. 200' by 17-19') which is owned by an adjoining property owner, DiCenzo Construction Company Limited (see APPENDIX "B"). The strip of land formed Block "288" (originally known as Block "309") in the "Sandrina Gardens" plan of subdivision, which was draft approved on November 22, 1989. One of the conditions of approval specified that Block "288", among others, be developed only in conjunction with adjoining lands.

In this regard, the adjoining property owner made a submission (see APPENDIX "C") to the Planning and Development Committee at the time the subject application was considered. Consequently, in approving the application the Committee included a condition that both parties negotiate a satisfactory resolution respecting the disposition of Block "288".

- Recovery of Servicing Costs

The Transportation/Environmental Services Group has advised that, generally, any owner abutting a road allowance is responsible for the portion of the costs related to the municipal services installed abutting their lands.



In this instance, a 0.3m reserve is established adjacent to the easterly lot line of the applicant's lands (see APPENDIX "B" - Block "295"). Accordingly, the applicant would be required to pay for his share of the services installed on Street "A" when the lands are developed, regardless of whether or not a driveway access is provided. These costs would be recovered by the City and Region.

With respect to Block "288" (see APPENDIX "B"), DiCenzo Construction would be responsible for paying the servicing costs on Street "B" (see APPENDIX "B"). Consequently, they are attempting to recover the costs for these services, including 1/2 of the roadway, in conjunction with the sale of Block "288".

- Negotiations

By January 1992 both parties appeared to be moving towards an agreement on this matter, and in fact an Agreement of Purchase and Sale was made by a third party to DiCenzo Construction Company Limited. Subsequently, the solicitor for DiCenzo Construction Company Limited forwarded a long form agreement to be registered on title to the prospective purchaser.

However, the parties were unable to finalize an agreement and the applicant's agent requested that this matter be forwarded to the Planning and Development Committee for resolution.

**COMMENT:**

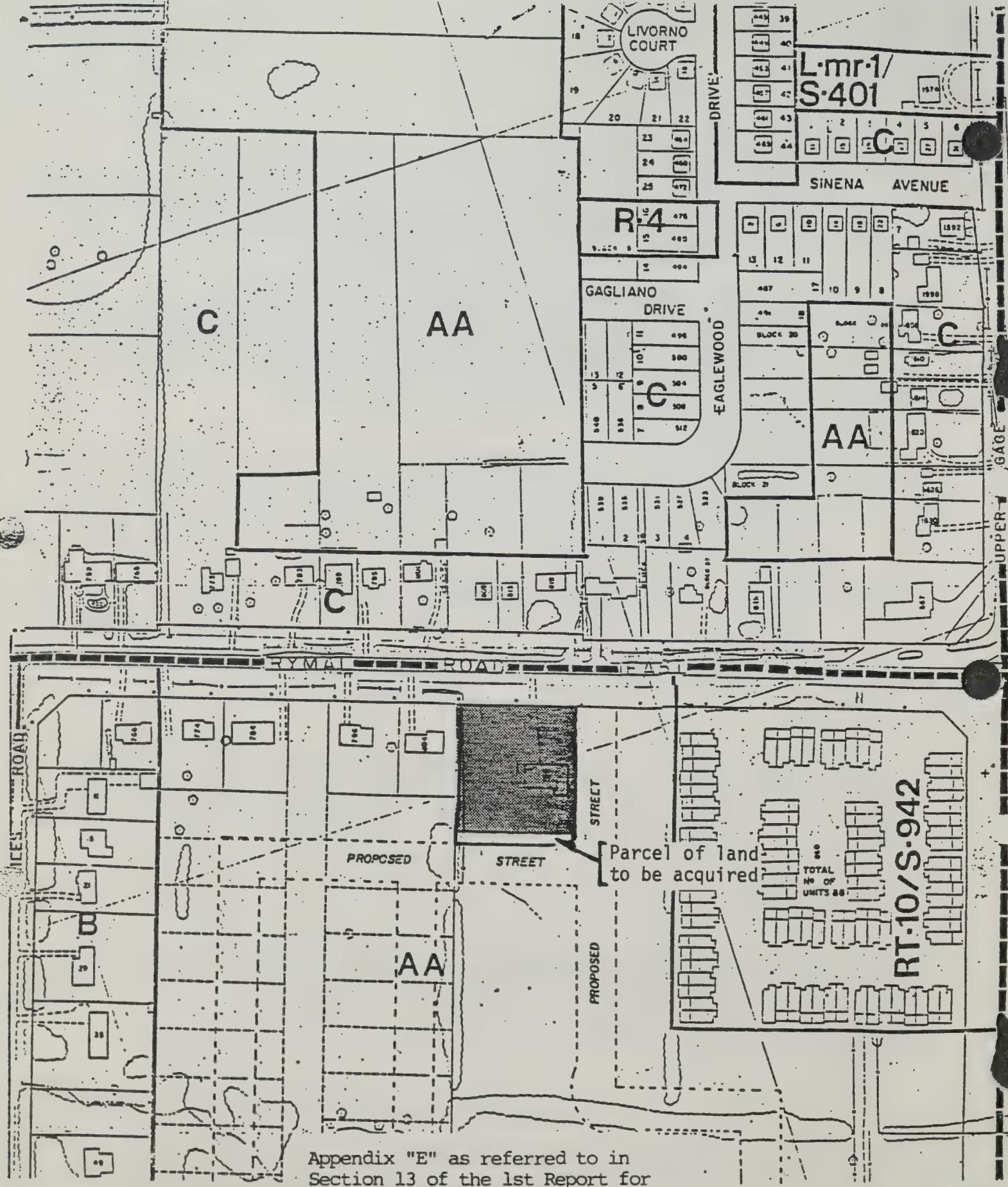
From a Planning perspective, any future development of the applicant's lands (see APPENDIX "A") should incorporate the adjoining remnant parcel of land to the south (Block "288" - APPENDIX "B"). To date, all previous planning considerations (e.g. Neighbourhood Plan, draft plan of subdivision) have provided for this.

**CONCLUSION:**

The Planning and Development Committee should reaffirm its decision of December 13, 1989, to require "...the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

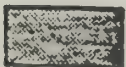
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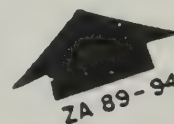


Appendix "E" as referred to in  
 Section 13 of the 1st Report for  
 1990 of the Planning and  
 Development Committee

**Legend**

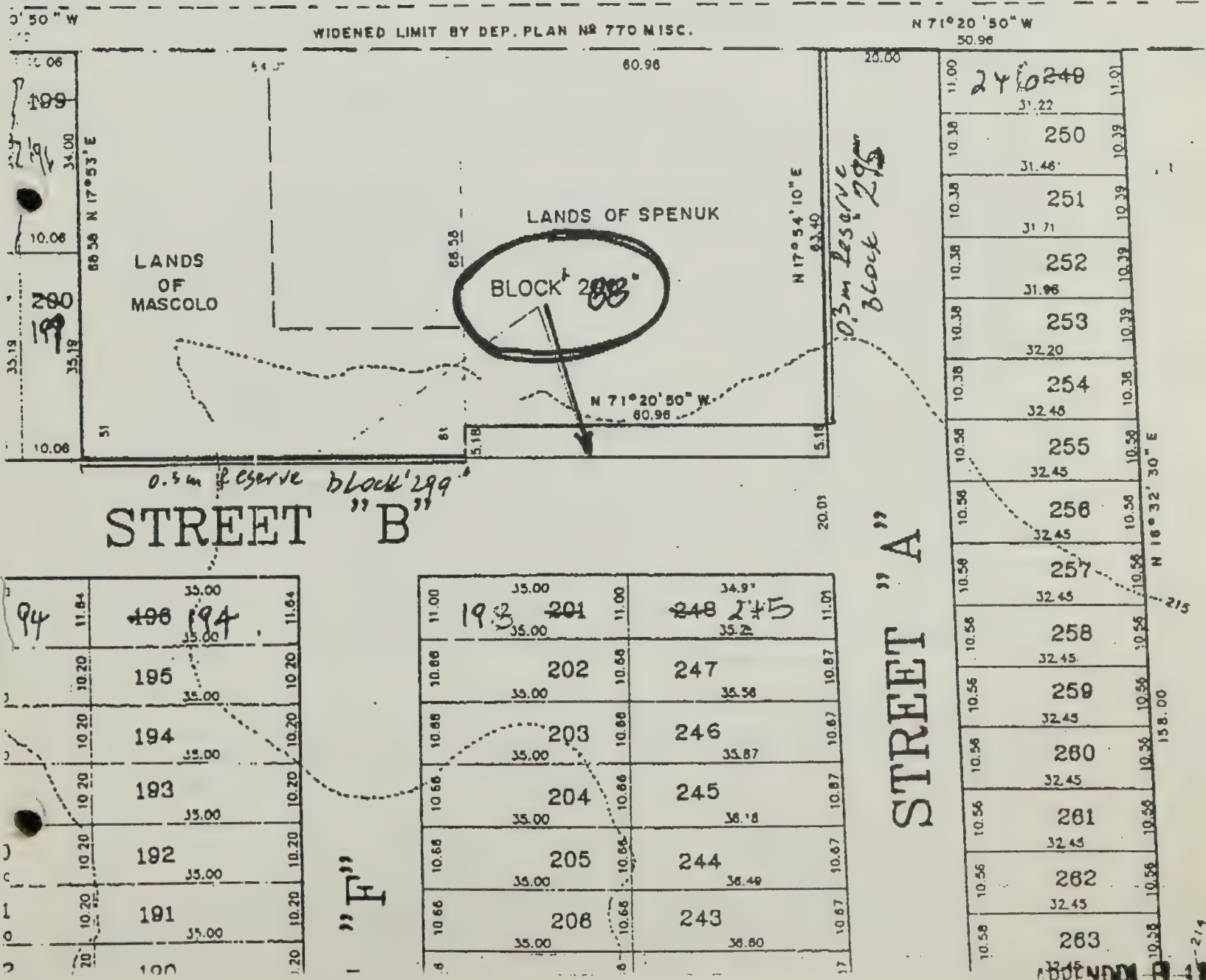


Site of the Application





ROAD





# DiCenzo Construction Co. Ltd.

GENERAL CONTRACTORS  
CUSTOM BUILT HOMES



PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.	TO	STAFF UNIT	INFO. UNIT
	DIG.		
	PR & A		
	NEIGH.		
	DEV.		
	PLANN.		
	STAFF		
	CART.		
	ADMIN.		

DEC 07 1989  
TEL: 561-3767  
205 QUIGLEY ROAD  
HAMILTON, ONTARIO  
L8K 5M8

December 6, 1989

Real Estate Department  
City Hall  
Hamilton, Ontario  
L8N 3T4

ATTENTION: MR. MIKE WATSON

Dear Mr. Watson:

We received a change of zoning Application by Mr. J. Spenuk regarding the property at No. 820 Rymal Road East, if this Application is approved I would like to draw your attention to the fact that there are 2 proposed streets next to this property in addition to a strip of land between the street and the property which are owned by DiCenzo Construction. Any costs incurred with regards to half of the proposed streets and the strip of land, including land costs and service costs should be paid by Mr. Spenuk.

Thank you,

A. DiCenzo

cc Paul Mallard, Planning Dept., City Hall **ZA-89-94**  
cc Mr. Brenner, Engineering Dept., City Hall

Delivered by: Mr. A. DiCenzo  
December 7, 1989.



Turkstra  
Mazza  
Shinehoft  
Mihailovich  
Associates\*

Lawyers

RECEIVED

MAY 26 1992

CITY CLERKS

15 Bold Street  
Hamilton, Ontario, L8P 1T3

(416) 529-3476 (LAW-FIRM)  
or (416) 526-0033  
Fax: (416) 529-3663

Please reply to: Herman Turkstra

May 22, 1992

Mr. Paul Mallard  
City of Hamilton  
Planning Department  
71 King Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mr. Mallard:

Re: Rezoning application 89-94  
820 Rymal Road West, Hamilton  
Our File No.: 11653

After the Planning and Development Committee meeting I met with the other property owner and his planner, Ed Fothergill. We reviewed the concept that you had put forward and we worked on another variation, not similar, that might be more to the benefit of the property owner.

He and his planner are going to examine their position over the next week and get back to me. I think we have made now three fair proposals to the adjacent property owner and I am hoping that one of them will work. If not, I understand it will be brought back before the Committee at its next meeting. I understand that that will be June the 24th. On that day both Mr. Fothergill and I are engaged at a Hearing before the Ontario Municipal Board and I mentioned this to Alderman Drury, the Chairman of the Planning and Development Committee. He and the members of the Committee indicated that if it was necessary to come back in a contested manner before the Committee that the Committee would consider a special meeting to deal with this as neither Mr. Fothergill nor I could be there past 9:45 on the 24th of June.

As soon as I hear back from Mr. Fothergill as to whether or not one of our proposals is acceptable I will let you know and perhaps we can actually call on you for assistance to attempt to resolve any differences.

\*The merged firms of Turkstra, Mazza Associates & Shinehoft, Mihailovich, Czutrin & Campbell

Toronto, Ontario: Turkstra Mazza Shinehoft Mihailovich Associates, 212 King St. West, Suite 200, M5H 1K5  
Stoney Creek, Ontario: Turkstra Mazza Shinehoft Mihailovich Associates, Unit 202, 115 Highway No. 8, L8G 1C1  
Hamilton Mountain: Turkstra Mazza Shinehoft Mihailovich Associates, 987 Rymal Road East, L0R 1P0  
Mississauga, Ontario: Turkstra, Mazza, Reiningier Associates, Suite 1250, Two Robert Speck Parkway, L4Z 1H8



Mr. Paul Mallard  
City of Hamilton, Planning Department  
May 22, 1992  
- Page 2 -

Thank you very much for your cooperation and assistance.

Yours truly,

Herman Turkstra

HT;la  
11653\1

cc: Alderman Don Drury  
City Hall Chairman  
Planning & Development Committee

cc: Mr. Ed Fothergill  
Fothergill Planning & Development

✓ cc: Ms. Tina Agnello  
Planning & Development Committee



4.1

# DEPARTMENT OF BUILDINGS

## MEMORANDUM

\*\*\*\*\*

TO: Tina Agnello, Secretary  
Planning and Development  
Committee

YOUR FILE:

FROM: Mr. L. King, Chairman  
Cash-in-Lieu of Parking  
Committee

OUR FILE:

PHONE: 546-4655

SUBJECT: Cash-in-Lieu  
1012 King Street West

DATE: 1992 June 18

On May 20, 1992 the Planning and Development Committee reviewed the attached report from the Cash-in-Lieu Committee. Following consideration the matter was tabled in order to allow the applicant to meet with the ward aldermen, staff and residents to determine if a compromise could be reached.

On June 17, 1992 a meeting was held, as directed, by the Planning and Development Committee. At that meeting the applicants were not able to offer any solutions or alternatives which would alleviate the residents' concerns regarding the lack of parking.

The applicants wish to proceed with their application, as submitted, and the residents and ward aldermen are still in opposition to the proposal.

A handwritten signature in dark ink, appearing to be 'N. King', with a long, sweeping horizontal line extending to the right.



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 May 14

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

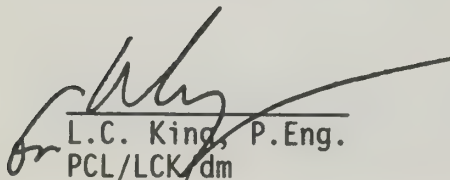
**FROM:** Mr. L. King, Chairman  
Cash-in-lieu of Parking Committee

**SUBJECT:**

Cash-in-Lieu of Parking -  
1012 King Street West (92.4.2.1.A)

**RECOMMENDATION:**

That the application by John Monaco and Angelo Dionissopoulos for the building at 1012 King Street West for payment of cash-in-lieu for twelve parking spaces be denied.

  
L.C. King, P.Eng.  
PCL/LCK/dm

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The applicants have made application under Section 39 of The Planning Act for payment of cash-in-lieu for twelve spaces in order to permit a 68-seat restaurant at 1012 King Street West. The existing building is located in a "G" district zoning and the site can not provide any of the twelve parking spaces required by Zoning By-law #6593.



The Cash-in-Lieu of Parking Committee received the submission and recommended denial of the application for the following reasons:-

- 1/ The current parking area in the commercial district is at capacity and cannot accommodate additional vehicles.
- 2/ The Hamilton Parking Authority has no plans to establish municipal parking in the immediate vicinity of the proposal.
- 3/ The demand for commercial parking space will result in a spill-over into the adjoining residential districts.
- 4/ Land use and traffic objectives are not satisfied.

For the information of the Committee, the cost of cash-in-lieu for the twelve parking spaces has been established at \$102,000.







CA4 ON HBL A05

C51P4

1992



CITY COUNCIL  
HAMILTON, CANADA

Additional to item 4.1

JUN 19 1992

**Alderman Mary Kiss**

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 525-5932 - WARD 1

19 June 1992

URBAN MUNICIPAL

JUN 24 1992

GOV: 'MENT DOCUMENTS'

Ms. Tina Agnello, Secretary  
Planning & Development Committee

RE: 1012 KING STREET - OPPOSITION TO CASH-IN-LIEU OF PARKING - DELEGATION -  
ALDERMAN MARY KISS

Dear Ms. Agnello:

With reference to the above issue which is on the Planning & Development Committee meeting agenda of Wednesday, June 24, 1992, I wish to advise that residents and taxpayers in the area have asked me to enclose and present the attached petition against cash-in-lieu of parking at the above address for reasons stated in the petition.

I fully support them in their opposition.

Yours very sincerely,

Mary Kiss  
Alderman, Ward 1

MK:sn

Encl.







PETITION

WE THE UNDERSIGNED RESIDENTS OF WESTDALE ARE OPPOSED TO THE GRANTING OF CASH-IN-LIEU OF PARKING AT 1012 KING STREET WEST AND REQUEST THAT IT BE DENIED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR THE FOLLOWING REASONS:

1. THE PRESENT PARKING AREA IS SATURATED AND AT FULL CAPACITY.
2. IT IS DIFFICULT TO FIND PARKING SPACES IN THE AREA.
3. THE PARKING AUTHORITY HAS NO PLANS TO ESTABLISH CITY PARKING IN THE IMMEDIATE VICINITY OF THE PROPOSAL.
4. THE ADDITIONAL DEMAND FOR COMMERCIAL PARKING SPACE WILL RESULT IN A SPILL-OVER INTO OUR NEIGHBOURHOODS AND IMPACT NEGATIVELY ON RESIDENTS.
5. LAND USE AND TRAFFIC OBJECTIVES ARE NOT SATISFIED.







We the residents of Westdale wish to voice our opposition to the application for cash in lieu of parking, being requested for 1012 King St. W., in Hamilton.

Name	Signature	Address	Telephone
Ruth Ann Horwood	Ruth Ann Horwood	155 Haddon Ave N	529-1341
Agi Black	Agi Black	165 HADDON N.	522-4410
Helen Otrusina	HELEN OTROSINA	80 Arkell St	529-6794
L. Jean Sibley	L. JEAN SIBLEY	147 Sterling St	525-2239
Nancy Rose	NANCY ROSE	81 DROMORE CR.	528-4018
A. P. DICKIN	A. P. Dickin	168 Arkell St	524-1227
P. D. M. Macdonald	P. D. M. Macdonald	59 Arkell St	527-5262
Shelli Eisenberg	Shelli Eisenberg	47 South Oval	527-2644
J. Garden	J. Garden	2 Uplands Ave	529-3978
MORAH NAVIN	M. B. Navin	111 Arkell St	527-8830
HEIDI O'BRIEN	Heidi O'Brien	125 Dromore Cr	528-2027
HAMISH GUTHRIE	Hamish Guthrie	78 Haddon Ave. N	524-0044







We the residents of Westdale wish to voice our opposition to the application for cash in lieu of parking as being requested for 1012 King St. W., in Hamilton.

<u>Name</u>	<u>Signature</u>	<u>Address</u>	<u>Telephone</u>
S.E. THATCHER	<i>[Signature]</i>	1111 King St W.	416-521-1259
May Thatcher		" " "	" " "
Loraine Campbell		699 Main St. W. 1115.	537-3571
George Green		29 Uplands Ave	528 6558
Jim's Olive Lake		22 Uplands Ave	527-7534
Janet Aizenstat		172 Cline Ave North	525-2660
Karen Broe	Karen Broe	111 Barclay St.	522-3286
Aileen Behn	<i>[Signature]</i>	143 Cline Ave N	522-2007
Tina Kampman	<i>[Signature]</i>	99 SOUTH ORAL	525-7660
<sup>(RS)</sup> Jean F. Wright		12 Longwood Pl.	522-0882
Fred Victor		139 Longwood Ave N	5292930
T.J. Brock Bittle		75 Cline Ave N	526-1523
Rosemary Almas		107 South Oral	528-5837







The residents of Westdale wish to voice our opposition to the application for cash in advance parking at being requested for 1012 King St. W., in Hamilton

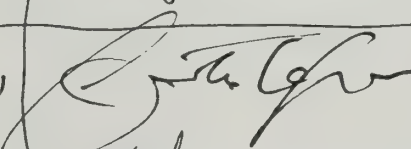
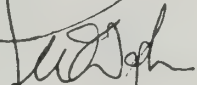

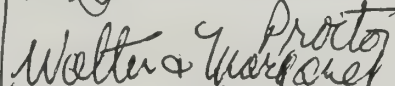
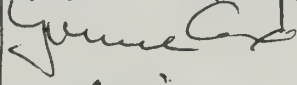

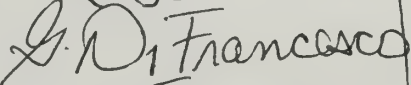

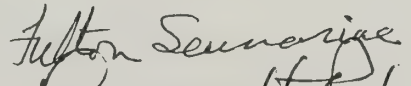

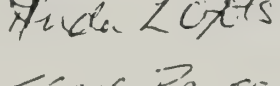
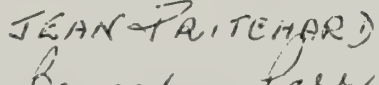
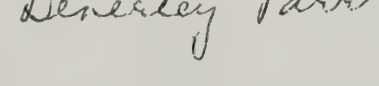
Name	Signature	Address	Telephone
TONY KILGANNON	Tony Kilgannon	77 South Oval	522-4550
ROY BRADBURY	[Signature]	74 South Oval	525 2246
John VANDERZANDEN	[Signature]	158 Dolewood Cres	521-2904
Joyce Collings	[Signature]	175 Haddon N.	529-0259.
ROBT. COLLINGS	[Signature]	"	"
Kethie Allen	N. Allen	85 Haddon N.	526-1469
MURRAY BATES	[Signature]	135 Dolewood St.	527-6888
Ken Lariviere	[Signature]	57 Barclay St	524-1283
Sue Davidson	Susan Davidson	92 Paradise N	523 0884
MIKE MOLLINGA	M. Mollinga	112 Sterling St	526-1006
MIRIAM BASKIN	M. Baskin	1 Kipling Rd	525-8969
Ivann French	G. French	208 Clene Ave W	526-1845
KARIN CALLAGHAN	Karin Callaghan	80 South Oval	524-1382
JANET SIVERNS	Janet Siverns	98 Oak Knoll Dr.	529-5355
Teresa Guthrie	Teresa Guthrie	78 Haddon Ave. N.	524-0044
LAURENCE CHAMBERS	Laurence Chambers	80 Barclay St	528-8787







We the residents of Westdale, wish to voice our opposition to the application for cash in lieu of parking, as being requested for 1012 King St. W., in Hamilton.

Name	Signature	Address	Telephone
J. G. LAWSON		28 Arkell St.	623-8852
J. M. Doyle		28 Arkell St.	5238652
J. G. HARRISON		209 PARKVIEW DR.	522-0171
H. W. PROCTOR		99 Cline N.	525-2665
Wonne Co		52 North Oval	521-6828
M. Aziz		81 Cline Ave. North	523/6203
Francesco		31 Paisley Ave S.	528-0885
Carl Feldmann		85 BARCLAY ST.	572-9627
David Cheattley		211 HADDON AVE S.	525-1168
Ilec Duncombe		215 HADDON AVE	525-7741
Yaye Cheattley		211 HADDON AVE S.	525-1168
Julian Seunarine		24 Drumore Cres.	527-7228
GEORGE H POPE		176 Cline Ave N	525-1668
Inda L. Ozols		63 North Oval	524-0079
ATHLEEN PRITCHARD		56 STERLING ST.	525 4587
Beverley PARK		53 Paisley N	525642







like the residents of Westdale wish to  
voice our opposition to the application  
for cash in lieu of parking as being  
requested for 1012 King St. W., in Hamilton.

Name	Signature	Address	Telephone
<del>John Parr</del> VALUEN HARRIS	<del>John Parr</del> Valuen Harris	200 Ulinetve. N.	526-9101
Effie Hamburg	Effie Hamburg	121 GLEN ROAD	522-2009
Tamara McLaughlin	LACHNE McLAUGHLIN	79 Kipling	526-1006
Helen Reid	H. Reid	79 Kipling	522-4058
JOHN PARR	J Parr	53 Paisley N	5256427
A. WILLIAMS	Mary Williams	27 Gary	5089197
Edmund Winch.	E. Winch	182 DROMORE Cr.	527-0939







we, the residents of Westdale, wish to  
voice our opposition to the  
application for cash in lieu of  
parking, as being requested for  
1012 King St. W., in Hamilton.

Name	Signature	Address	Telephone
Marion RUTTER	M Rutter	44 GLEN RD #202	529-3737
Harold Vrooman	Harold Vrooman	44 BOND ST S	527-6236
Lenore Vrooman	Lenore Vrooman	44 Bond St S	527-6236
Janet Woodward	Janet Woodward	200 Christie N.	526-9101
Helma Jenkins	Helma Jenkins	1079 King W	522-2881
Ref. Mr. Jenkins	Ref. Mr. Jenkins	1 Kipling Rd.	525-2231
ETHEL PATTERSON	E. Patterson	20 Paisley W	525-0531
Dore Peacock	Dore Peacock	140 Haddon So	525-0383
Ralph Peacock	Ralph Peacock	140 Haddon So	525-0383
Helen Dolman	Helen Dolman	43 Paradise Rd. S	525-6190
Ziggy Wilton	Ziggy Wilton	139 LONGWOOD N.	529-2930
Lou F. Rosario	Lou F. Rosario	102 Kipling Road	529-8953
ANN MACDONALD	A. P. Macdonald	59 Artell St	527-5262
L. Madill	L. Madill	27 Marion Ave. N.	527-7803
P. H. Walton	Paul H. Walton	148 Haddon Ave N	526-1393
ROBT. J. MACKNESS	Robt J Mackness	83 Sterling	527-5144
Joyce MACKNESS	J. Mackness	83 Sterling	527-5144







We the residents of Westdale, wish to voice our opposition to the application for cash in lieu of parking, as being requested for 1012 King St. W., in Hamilton.

Name	Signature	Address	Telephone
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Pamela M (Colgan)	P. M. Colgan	141 Bond St. N.	527-4221
DEROTHY TELIER.		156 Bond St. N.	521-2950.
Lily C Mc Colgan		141 Bond St. N.	527-4221
Elma Lawrence,		209 Haddon Cres	529-7464
Margaret Gallaway		91 Bond St S.	527-2298
Amelia Hall	"	"	"
Susan Roston		44 Glen Road #1510	523 5224
Marylyn Pelling		43 Paisley Ave. N.	527-6494.
W J Harris		75 South Oval	526 0542







Petition against Cash in lieu of  
 Parking 10/12  
 King West.

Name	Signature	Address	Phone
Elda Rock	Elda Rock	44 Cline Ave NORTH	528-4496
Lily Knight	Lily Knight	97 Haddon St	529-8586
Jimmy Hill	Jimmy Hill	36 Cline N	527-5322
Chris MacLam	Chris MacLam	212 King St. W.	527-6827







4.2

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1992 June 18

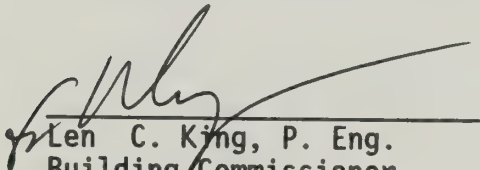
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Cash-in-Lieu of Parking  
55 Lancing Drive

**RECOMMENDATION:**

That in accordance with the Cash-In-Lieu policy, the application of ABD Technology Inc., owner of the building at 55 Lancing Drive for payment of cash-in-lieu for 10 parking spaces be approved. That the owner be required to pay the City of Hamilton the sum of \$ 19,530.00 which is 100% of the cost of providing 10 parking spaces. That the Law Department be directed to prepare the Cash-In-Lieu of Parking Agreement as required and to forward the amending zoning by-law to Council upon finalization.



\_\_\_\_\_  
Len C. King, P. Eng.  
Building Commissioner  
LCK/hmp

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** The reserve for off-street parking will receive \$19,530.00

**BACKGROUND:**

In February 1992 the Planning and Development Committee approved Zoning Application 91-77 for a modification to the M-14 (Prestige Industrial) District regulations to permit an auto repair garage including auto body fender repair and painting.

Approval of the zoning modification was made subject to the following two conditions:

1. That the amending By-law not be forwarded for passage by City Council until the shortfall in the required parking from forty-eight (48) to thirty-eight (38) spaces has been finalized through the "Cash-in-Lieu of Parking Policy".
2. That the amended by-law would not be forwarded to City Council until the existing Site Plan Agreement is complied with.



On June 10, 1992 application was made by ABD Technology Inc. for payment of Cash-In-Lieu of Parking for 10 parking spaces. The existing site can provide 38 parking spaces whereas Zoning By-law 6593 requires the provision of 48 parking spaces.

The Cash-In-Lieu of Parking Committee reviewed the submission and recommended approval of the application for the following reasons:

1. The proposal was supported by the Planning and Development Committee at the rezoning stage.
2. The current review of the "M" districts provisions will permit the proposed use in the M-14 District.
3. Due to the nature of the business, vehicles will be stored and located within the building decreasing the demand for parking.

The cost of providing the 10 parking spaces has been determined on the basis of \$750.00/space and value and \$1,203.00/space development costs for a total of \$1,953.00/space.





CITY COUNCIL  
HAMILTON, CANADA

JUN 05 1992

5.

**Alderman Don Drury**

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 - WARD 3

1992 June 4

Tina Agnello, Secretary  
Planning & Development Committee  
City Clerk's Department

Dear Tina:

Please note the attached letter dated 1992 May 29 from Ms. Lynda Morris regarding some urban safety concerns. Specifically, the issue of underground parking garages is a matter that has not been fully addressed by a City Committee.

I would be most appreciative if you would forward this on to the Planning and Development Committee to determine if this matter is worth pursuing on a more formal basis.

Yours truly,

Don Drury, Alderman  
Ward 3

DD:sma  
Attach.





LYNDA MORRIS MANAGEMENT SERVICES LIMITED

URBAN SAFETY CONSULTANTS

95 Amelia Street, Hamilton Ontario L8P 2V3 (416) 522-0990

May 29, 1992

Alderman Don Drury,  
Chairman, Planning and Development Committee

Dear Alderman Drury:

This letter is to confirm our conversation on Friday May 22 about underground parking. Underground garages can be seen to be isolated and dangerous.

Above ground parking is the better strategy for safety.

However, implementing a variety of design strategies to improve visibility and security may make underground garages safer. I am interested in the problem and would be pleased to meet with you in this regard. I am willing to submit a proposal with a fee estimate subject to further discussion.

There are a variety of services and approaches which may include but are not limited to: on site appraisals of existing underground garages, recommendations, consultation with stakeholder groups, consultation with other municipalities.

Yours truly



Lynda Morris



6

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 June 8  
CI-82-Q

JUN 16 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT** Proposed amendments to Zoning By-law No. 6593.

**RECOMMENDATION:**

That the Planning and Development Committee recommend to Council:

- i) That approval be given to City Initiative 82-Q, to provide for updating and clarification of Zoning By-law No. 6593, for the provisions identified in Appendix "A" attached;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- iii) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

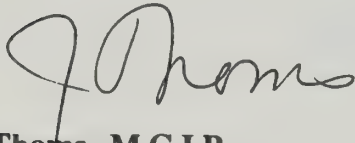
The purpose of the proposed changes to the Zoning By-law are to provide "housekeeping" amendments for updating and clarification of the by-law. Periodically, it is necessary to make minor changes to the by-law to: reflect new legislation; update terminology; reorganize to improve clarification or interpretation; etc.

In this regard, the "housekeeping" amendment includes:

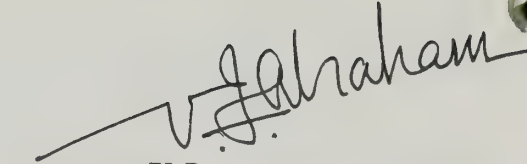
- revisions to definitions;
- the introduction of new definitions;
- deletion of redundant terms, clauses and definitions;



- renumbering of various clauses for clarification;
- introduction of new headings for clarification.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

### **BACKGROUND**

As an on-going matter, the Planning and Development Department in co-operation with the Building Department review the Zoning By-law. The purpose of the review is to provide for updating and clarification of the By-law. Periodically, it is necessary to make minor changes to the text of the By-law to: reflect new legislation; update terminology; reorganize to improve clarification or interpretation; etc. In this regard, the Planning and Development Department in conjunction with the Building Department, has:

- prepared a list of the various changes proposed (see Appendix "A"); and,
- scheduled a Public Meeting and prepared the necessary notice for the proposed changes.

On May 30, 1992 and on June 3, 1992 a notice was placed in the Hamilton Spectator to inform the public of the proposed Public Meetings (see Appendix "B"). The notice provided information concerning the proposed changes and a phone number for inquiries.

As these recommended changes are necessary to bring the Zoning By-law up to date from the stand point of new legislation, terminology, clarification, interpretation and enforcement, it is suggested that City Initiative 82-Q be recommended for adoption by the Planning and Development Committee.

The proposed text amendments would not require an amendment to the City of Hamilton Official Plan.

### **CONCLUSION:**

On the basis of the foregoing, it is recommended that approval be given to City Initiative 82-Q, to provide for updating and clarification of Zoning By-law No. 6593, for the provisions identified in Appendix "A" attached.

GAW/ma  
 CI82Q





**PUBLIC MEETING OF THE PLANNING AND  
DEVELOPMENT COMMITTEE  
RE: "HOUSEKEEPING" AMENDMENTS TO  
THE CITY OF HAMILTON ZONING  
BY-LAW NO. 6593**

The Planning and Development Committee will hold a Public Meeting On Wednesday, June 24, 1992, at 10:30 a.m. in room 233, City Hall, to consider a number of general text "housekeeping" amendments to the City of Hamilton Zoning By-law No. 6593.

The purpose of the proposed "housekeeping" amendments is to provide for updating and clarification of the By-law. Periodically, it is necessary to make minor changes to the By-law to: reflect new legislation; update terminology; reorganize to improve clarification or interpretation; etc.

In this regard, the "housekeeping" amendments include:

- revisions to the definitions of "residential", "nursing home", "parking area" and "restaurant";
- the introduction of a new definition for "seminary";
- deletion of redundant terms, clauses and definitions (e.g. "tavern");
- renumbering of various clauses for clarification; and,
- introduction of new headings for clarification.

The proposed text amendments, if approved, would not require an amendment to the City of Hamilton Official Plan.

For inquiries, please call  
Planning Department  
City Hall, 546-4168

Secretary  
Planning and Development Committee



PROPOSED AMENDMENTS TO ZONING BY-LAW NO. 6593

CITY INITIATIVE 82-Q

JUNE 1992

APPENDIX "A"



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
INTERPRETATION AND DEFINITION (Residential Uses)	2(2)A.	<p>"Residential shall mean designed, adapted or used as a home or residence of a family or families, and shall include an apartment hotel, dwelling, multiple dwelling, maisonette dwelling, townhouse dwelling, street townhouse dwelling, hostel, hotel, lodging house, tourist home, tourist camp, trailer camp and summer camp, but shall not include any institutional use; and Residential District means and includes any "A", "AA", "B", "B1", "B2", "C", "R-4", "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3", "RT-10", "RT-20", "RT-30" District."</p>	<p>"Residential shall mean designed, adapted or used as a home or residence of a family or families and shall include an apartment hotel, dwelling, multiple dwelling, maisonette dwelling, townhouse dwelling, street townhouse dwelling, hostel, hotel, <u>motor hotel</u>, <u>motel</u>, <u>lodging house</u>, <u>tourist home</u>, <u>tourist camp</u>, <u>trailer camp</u> and <u>summer camp</u>, <u>foster home</u>, <u>residential care facility</u>, <u>short term care facility</u>, a <u>home for elderly persons</u>, but shall not include any institutional use; and Residential District means and includes any "A", "AA", "B", "B1", "B2", "C", "R2", "R4", "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3", "RT-10", "RT-20", "RT-30" District."</p>	<ul style="list-style-type: none"> <li>• Addition of uses as underlined. Terms and definitions for residential care facility, short-term care facility and home for elderly persons were introduced by By-law 81-27 and are regarded as "residential uses", as are other underlined uses.</li> <li>• Add "R2" district to list of districts.</li> </ul>
INTERPRETATION AND DEFINITION (Institutional Uses)	2(2)B.(iv)	<p>"Nursing home means any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons, but does not include any premises falling under the jurisdiction of:</p> <ul style="list-style-type: none"> <li>(a) The Charitable Institutions Act;</li> <li>(b) The Children's Boarding Homes Act;</li> <li>(c) The Children's Mental Health Centres Act;</li> <li>(d) The Homes for the Aged and Rest Homes Act;</li> <li>(e) The Mental Hospitals Act;</li> <li>(f) The Private Hospitals Act; or</li> <li>(g) The Public Hospitals Act".</li> </ul>	<p>"Nursing home" means any premises licensed as a nursing home under the Nursing Homes Act.</p>	<ul style="list-style-type: none"> <li>• Revise definition to reflect Act.</li> </ul>
INTERPRETATION AND DEFINITION (Public Uses)	2(2)C.(iv)	<p>N/A</p>	<p>Add new subsection 2(2)C.(iv) to define "Seminary".</p> <p>"Seminary" shall mean a school or college where persons receive religious training, with or without a dormitory</p>	<ul style="list-style-type: none"> <li>• New definition for Seminary</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
INTERPRETATION (Commercial Uses)	2(2)D.(ivb)	"Restaurant shall mean any building or premises where food is prepared and offered for sale for immediate consumption therein or elsewhere, and shall include those premises for which either a <u>Dining Room Licence or Dining Lounge Licence</u> has been issued under the Liquor Licence Act, but does not include,	"Restaurant" shall mean any building or premises where food is prepared and offered for sale for immediate consumption therein or elsewhere, and shall include those premises for which a <u>Sale Licence</u> has been issued under the Liquor Licence Act, but does not include...	<ul style="list-style-type: none"> <li>Revise to reflect changes to Liquor Licence Act by deleting "either a <u>Dining Room Licence or Dining Lounge Licence</u>" and replacing with "a <u>Sale Licence</u>".</li> </ul>
	2(2)D.(vii)	"Tavern" shall mean an establishment which has been reclassified as a "tavern" under The Liquor Licence Act, 1975, and shall include those premises for which an Entertainment Lounge Licence, a Lounge Licence, Patio Licence, or a Public House Licence has been issued under The Liquor Licence Act 1975."	Delete entire definition	<ul style="list-style-type: none"> <li>"Tavern" classification - no longer used by the Liquor Licence Board of Ontario. Antiquated use</li> </ul>
INTERPRETATION AND DEFINITION (Miscellaneous definitions technical)	2(2)H.(ivd)	"parking area" means the space occupied by one or more required parking spaces and manoeuvring spaces but does not include any space occupied by an access driveway."	"parking area means the space occupied by <u>any</u> parking spaces and manoeuvring spaces <u>whether required or not</u> , but does not include any space occupied by an access driveway,"	<ul style="list-style-type: none"> <li>Amend definition to apply to any parking spaces or manoeuvring spaces as opposed to only required parking spaces and manoeuvring spaces. No less feasible for non-required parking area.</li> </ul>
INTERPRETATION AND DEFINITION (Miscellaneous definitions technical)	2(2)J.(xixb)	"Permitted when used in reference to a use of land or purpose for which land may be used..."	Renumber as 2(2)J.(xixd) after "parking angle"	<ul style="list-style-type: none"> <li>The definitions of "park" or "parking" are also identified by number 2(2)J.(xixb).</li> </ul>
	2(2)J.(xxivb)	"Visual barrier shall mean a continuous, uninterrupted structure which completely blocks lines of sight..."	Renumber as 2(2)J.(xxivc)	<ul style="list-style-type: none"> <li>The definition of "Vehicle" is also identified by number 2(2)J.(xxivb).</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
APPLICATION OF BY-LAW (non- conforming uses)	3(2)	<p>"As provided in the <u>Municipal Act</u>, the provisions of this By-law shall not apply.</p> <p>(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or</p> <p>(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the Building Commissioner, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.</p>	<p>"As provided in the Planning Act, the provision of this By-law shall not apply.</p> <p>(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law so long as it continues to be used for that purpose; or</p> <p>(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the Building Code Act, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the Building Code Act."</p>	<ul style="list-style-type: none"> <li>Revised to reflect current provisions of the Planning Act per Section 34(9).</li> </ul>



SECTION

SECTION NO.

3(2b)

EXISTING PROVISION

"Notwithstanding any other provision of this By-law:

- (a) a pumping station required in the public distributing system of the public water supply,
- b) a gas pressure reduction or regulation station required for the distribution of natural or artificial gas to the citizens of Hamilton pursuant to a lawful franchise,
- c) an electric transformer required for the lawfully authorized distribution of electricity to the citizens of Hamilton, and,
- d) any other such necessary public utility, whether publicly owned and operated or not, may be erected and used without reference to any provision of this By-law, if the approval in writing of the Committee of Adjustment to the design and the location has first been obtained."

PROPOSED AMENDMENT

"Notwithstanding any other provisions of this By-law:

- (a) a pumping station required in the public distributing system of the public water supply;
- (b) a gas pressure reduction or regulation station required for the distribution of natural or artificial gas to the citizens of Hamilton pursuant to a lawful franchise,
- (c) an electric transformer required for the lawfully authorized distribution of electricity to the citizens of Hamilton, and,
- (d) any other such necessary public utility, whether publicly owned and operated or not, may be erected and used without reference to any provision of this By-law, if the approval in writing of the Committee of Adjustment to the design and the location has first been obtained."

NATURE OF AMENDMENT

- Deletion of the entire Section underlined. Committee of Adjustment no longer has jurisdiction, and uses referred to are covered in Section 3(3). Section 3(2b) through 3(2d) should be appropriately renumbered.



SECTION

SECTION NO.

EXISTING PROVISION

PROPOSED AMENDMENT

NATURE OF AMENDMENT

APPLICATION OF  
BY-LAW (certain  
uses not restricted  
Institutional Uses)

3(3)(ii)

"A bulletin board for a public hospital, private hospital, home for the aged, children's residence, sanitarium or other such institutional use, if situate on the premises, and either attached to the building, or at least 3.0 metres (9.84 feet) from the nearest street line, of an area of not more than 1.2 square metres (12.92 square feet), and either non-illuminated, or illuminated by non-flashing, indirect, or interior means only: (allowed without these restrictions in H,I,J, and K, districts)."

"A bulletin board for a public hospital, private hospital, home for the aged, children's residence, sanitarium or other such institutional use, if situate on the premises, and either attached to the building, or at least 3.0 metres (9.84 feet) from the nearest street line, of an area of not more than 1.2 square metres (12.92 square feet), and either non-illuminated, or illuminated by non-flashing, indirect, or interior means only."

- Deletion of reference to districts as underlined. This type of use is permitted in a number of districts without the condition.

APPLICATION OF  
BY-LAW (certain  
uses not Restricted  
Public Uses)

3(3)(xi)

"A bulletin board for a church, college, library, fairground, bowling green, community centre or other public use, if conforming to the same conditions as required for a hospital bulletin board, above; (allowed without these restrictions in the H,I,J, and K, districts)."

"A bulletin board for a church, college, library, fairground, bowling green community centre or other public use, if conforming to the same conditions as required for a hospital bulletin board, above."

- Deletion of reference to the districts as underlined. This type of use is permitted in a number of Districts without the condition.

APPLICATION OF  
BY-LAW (certain  
uses not Restricted  
Commercial Uses)

3(3)(xiii)

"An electric power distribution station or transformer station or office pertaining thereto managed or controlled by the Hydro-Electric Power Commission of Ontario, or the Hydro-Electric Power Commissioner of the City of Hamilton or other..."

"An electric power distribution station or transformer station or office pertaining thereto managed or controlled by Ontario Hydro or the Hamilton Hydro Electric System or other..."

- Replace underlined wording to identify appropriate agencies.



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
APPLICATION OF BY-LAW (Certain uses not restricted uses incidental to Construction)	3(3)(xxii)	"A one-storey temporary roadside stand of a height of not more than 4.0 metres (13.12 feet) and an area of not more than 19.0 square metres (204.51 square feet), situate at least 7.5 metres (24.61 feet) from the nearest street, on a lot of an area of not less than 12,000.0 square metres (2.97 acres), during such seasons only as the same is in use, and used for no other purpose than the display or sale of farming products of the premises, and which may include one sign of an area of not more than 1.2 square metres (12.92 square feet), for advertising such products, which sign is at least 3.0 metres (9.84 feet) from the nearest street; <u>(without these conditions, not allowed anywhere).</u> "	"A one-storey temporary roadside stand of a height of not more than 4.0 metres (13.12 feet) and an area of not more than 19.0 square metres (204.51 square feet), situate at least 7.5 metres (24.61 feet) from the nearest street, on a lot of an area of not less than 12,000.0 square metres (2.97 acres), during such seasons only as the same is in use, and used for no other purpose than the display or sale of farming products of the premises, and which may include one sign of an area of not more than 1.2 square metres (12.92 square feet), for advertising such products, which sign is at least 3.0 metres (9.84 feet) from the nearest street;"	<ul style="list-style-type: none"> <li>Deletion of the underlined section. This type of use, including a sign, is permitted in a number of Districts.</li> </ul>
SIGNS (subject to Planning and Development approval)	3-8 3-9	No change No change	New heading "Bus Shelters" New heading "Lots Situated In Two or More Zones"	<ul style="list-style-type: none"> <li>Introduction for Section</li> <li>Introduction for Section</li> </ul>
PROHIBITED USES	4(2)	"Save as otherwise provided in Section 12 for summer camps, and in Section 15 for circuses and other like uses..., the use of tents for human habitation...is hereby prohibited..."	Delete phrases "In Section 12", "In Section 15" as underlined. "Save as otherwise provided for summer camps, and for circuses and other like uses..., the use of tents for human habitation...is hereby prohibited..."	<ul style="list-style-type: none"> <li>Deletion of underlined wording. Amendment has effect of making subsection a general provision.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
GENERAL PROVISIONS	6	N/A	<p>Add a new subsection 6(19) as follows:</p> <p><b>FREEWAY STANDARDS</b></p> <p>6(19)(a) Notwithstanding any other provision of this By-law, no residential structure shall be located closer than 22.86 m (75 feet) from the Mountain Freeway right-of-way proper (excluding access ramps).</p> <p>(b) Notwithstanding any other provision of this By-law, no structure shall be located within 15.24 m (50 feet) of the limits of the Mountain Freeway.</p>	<ul style="list-style-type: none"> <li>New subsection required to enforce Council's Residential Development Standards respecting the Mountain Freeway.</li> </ul>
GENERAL PROVISIONS (Zoning Verification Certificates)	6(7)	"Any person may make application to the Building Commissioner for a zoning verification certificate...and every such certificate shall also show, that it is not a certificate that any building or structure on the land complies with the provisions of the <u>building and health By-law</u> , for the purpose..."	<p>"Any person may make application to the Building Commissioner for a zoning verification certificate...and every such certificates shall also show, that it is not a certificate that any building or structure on the land complies with the provisions of the <u>Ontario Building Code and Health By-law</u> for the purpose..."</p>	<ul style="list-style-type: none"> <li>Change underlined wording to reflect appropriate legislation.</li> </ul>
"AA" DISTRICTS (Agricultural District)	7A(1)(g)	N/A	<p>Add a new clause to permit "a private stable"</p>	<ul style="list-style-type: none"> <li>Use already permitted by pyramiding onto Section 8(1)(xv), however, due to proposal to delete reference to "private stable" in Section 8 (1)(xb) it is necessary to specify it as permitted use under Section 7A.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"B" DISTRICTS (Miscellaneous and Incidental uses)	8(1)(xv)	"A private garage or <u>private stable</u> ."	Delete phrase "or private stable" as underlined.	<ul style="list-style-type: none"> <li>Antiquated use inappropriate in a residential area.</li> </ul>
"C" DISTRICT (Public Uses)	9(1)(iv)	A school or <u>seminary</u> of learning except a commercial school or sanitarium school, and not including a dormitory;	A school of learning except a commercial school or sanitarium school, and not including a dormitory.	<ul style="list-style-type: none"> <li>Delete reference to or <u>seminary</u> as underlined -no less feasible than allowing use in the "D" District under college or university which have dormitories being an accessory use.</li> <li>list seminary as a separate use</li> </ul>
	9(1)(iv)(a)	N/A	A seminary	<ul style="list-style-type: none"> <li></li> </ul>
	9(1)(iva)	"A college or university in the case of the blocks bounded by Main Street West and Forsythe Avenue and in the case of the lands owned by McMaster University as of October 11, 1966, lying west of Forsythe Avenue."		<ul style="list-style-type: none"> <li>Deletion of entire provision. Now zoned "U/S-70".</li> </ul>
"C" District (Miscellaneous or Incidental Uses)	9(1)(vii)	"A private garage or <u>private stable</u> ."	Delete phrase "or private stable" as underlined.	<ul style="list-style-type: none"> <li>Antiquated use inappropriate in a residential area.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"R-4" DISTRICT (Small Lot Single-Family Detached)	9A(2)(c)1 and 2	<p>"Intensity of Use requirements:</p> <p>1. Subject to paragraph 2, every lot or tract of land within the "R-4" District for a single-family dwelling in a plan of subdivision shall have an average lot width of not less than 306.0 square metres.</p> <p>2. No lot or tract of land within the "R-4" District for a single-family dwelling in a plan of subdivision, shall have a lot width of less than 9.0 metres or a lot area of less than 278.0 square metres".</p>	<p>1. Subject to paragraph 2, every lot or tract of land within the "R-4" District for a single-family dwelling shall have an average lot width of not less than 306.0 square metres.</p> <p>2. No lot or tract of land within the "R-4" District for a single-family dwelling shall have a lot width of less than 9.0 metres or a lot area of less than 278.0 square metres".</p>	<ul style="list-style-type: none"> <li>Current wording precludes application of provision to lots created by consent. Delete reference to "in a plan of subdivision" as underlined.</li> </ul>
	9A(2)3(i) and (ii)	<p>i) "average lot area" shall mean the numerical result obtained by dividing the sum of individual single-family lot areas by the total number of single-family lots zoned "R-4" within a plan of subdivision;</p> <p>ii) "average lot width" shall mean the numerical result obtained by dividing the sum of individual single-family lot widths by the total number of single-family lots zoned "R-4" within a plan of subdivision.</p>	<p>i) "average lot area" shall mean the numerical result obtained by dividing the sum of individual single-family lot areas by the total number of single-family lots zoned "R-4";</p> <p>ii) "average lot width" shall mean the numerical result obtained by dividing the sum of individual single-family lot widths by the total number of single-family lots zoned "R-4".</p>	<ul style="list-style-type: none"> <li>Current wording precludes application of provision to lots created by consent. Delete reference to "within a plan of subdivision" as underlined.</li> </ul>
9A(4)(d)1		<p>Notwithstanding <u>Section 18</u>, there shall be provided and maintained in the "R-4" District...</p>	<p>Notwithstanding Section 18A, there shall be provided and maintained in the "R-4" District...</p>	<ul style="list-style-type: none"> <li>Delete reference to Section 18 as parking is regulated by Section 18A. Change <u>Section 18</u> to <u>Section 18A</u></li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"D" DISTRICT (Public Uses)	10(1)(xi)	"A district yard of the <u>city</u> corporation;"	"A district yard of a <u>municipal</u> corporation;"	<ul style="list-style-type: none"> <li>The words "the city" are replaced by a "municipal" as underlined, including a regional yard.</li> </ul>
"DE", "DE2", "DE3" DISTRICTS (requirements as to use)	10A(1)(i) 10B(1)(i) 10C(1)(i)	"Any use permitted in a "D" district except a district yard of the <u>City</u> Corporation."	"Any use permitted in a "D" district except a district yard of a <u>municipal</u> corporation."	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>
"DE-3" DISTRICTS	10C(2)	In a "DE-3" District, no building shall exceed three storeys, and no structure other than a building, shall exceed 11.0 metres (36.09 feet).	In a "DE-3" District, no building shall exceed three storeys, and no structure other than a building, shall exceed 11.0 metres (36.09 feet).	<ul style="list-style-type: none"> <li>For clarification and interpretation Add new heading above clause (2) "Height Requirements".</li> </ul>
"RT-30" DISTRICTS	10F(4)(a)	A front yard of a depth of not less than 6.0 metres (19.69 feet) <u>from all street lines</u>	A front yard of a depth of not less than 6.0 metres (19.69 feet).	<ul style="list-style-type: none"> <li>Delete the words "from all street lines" as underlined.</li> </ul>
"E" DISTRICT (Accessory and incidental uses)	11(1)(xi)	"One ground sign, wall sign, or projection sign, of an area of not more than 0.4 square metres (4.31 square feet), non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5 metres (4.92 feet), from the nearest street line, in connection with an <u>ordinary</u> lodging house, tourist home, nursing home or <u>maternity</u> boarding house."	One ground sign, wall sign or projecting sign, of an area of not more than 0.4 square metres (4.31 square feet), non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 feet), from the nearest street line in connection with a lodging house, tourist home, nursing home, <u>residential care facility</u> or <u>short-term care facility</u> .	<ul style="list-style-type: none"> <li>Deletion as underlined "ordinary" and "or maternity boarding house", and the addition of "residential care facility or short-term care facility", as underlined, as per the intent of By-law 81-27.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
	11(1)(xi)	<p>"Any or all of the following service types of use in a multiple dwelling:</p> <p>(a) a beauty parlour  (b) a barber shop...  (c)  (d)  (e)  (f)  (g)  (h) a retail variety store...</p> <p>(a) except with regard to automatic vending machines which shall be permitted in all multiple dwellings, no such use shall be permitted in a multiple dwelling having 100 or fewer self-contained Class A dwelling units;</p>	<p>"Any or all of the following service types of use in a multiple dwelling:</p> <p>(a) a beauty parlour  (b) a barber shop...  (c)  (d)  (e)  (f)  (g)  (h) a retail variety store...  (i) except with regard to automatic vending machines which shall be permitted in all multiple dwellings, no such use shall be permitted in a multiple dwelling having 100 or fewer self-contained Class A dwelling units;</p>	<p>Numbering incorrect as (a), (b) &amp; (c) is duplicated in Section 11(1)(xi). Renumber paragraphs (a), (b) &amp; (c) after end of clause (h) as (i), (j) and (k)</p>



SECTION

"E" DISTRICT

SECTION NO.

11(1)(xi)

EXISTING PROVISION

- (b) any such use shall have access only from within the interior of the building, and with the exception of automatic vending machines providing laundry facilities shall not be located above the storey containing the foyer;
- (c) no indication of the existence or availability of any such use whether by way of a sign, display, or otherwise shall be visible from the outside of the building

"(xi) Any or all of the following service type of use in a multiple dwelling.

- (a) a beauty parlour  
(b) a barber shop...etc."

PROPOSED AMENDMENT

- (i) any such use shall have access only from within the interior of the building, and with the exception of automatic vending machines providing laundry facilities shall not be located above the storey containing the foyer;
- (k) no indication of the existence or availability of any such use whether by way of a sign, display, or otherwise shall be visible from the outside of the building.

"(xii) Any or all of the following service type of use in a multiple dwelling:

- (a) a beauty parlour  
(b) a barber shop....etc."

NATURE OF AMENDMENT

- Paragraph (xi) page 11-3 refers to signs. Paragraph (xi) on page 11-4 refers to any or all of the following service type use in a multiple dwelling numbering Incorrect. Renumber paragraph (xi) to (xii)



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"E" DISTRICT	11(3)	"There shall be provided and maintained within the district, for every building and structure in an E district, the following yards, namely:"	"AREA REQUIREMENTS"  "(3) There shall be provided and maintained within the district, for every building and structure in an E district, the following yards, namely:"	<ul style="list-style-type: none"> <li>For clarification and Interpretation. Add new heading above clause (3) "Area Requirements".</li> </ul>
"E" DISTRICT (landscaped area)	11(6)	"For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or lot is situate, as landscaped area."	"For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area."	<ul style="list-style-type: none"> <li>The word "lot" is replaced by "structure" as underlined to reflect intent.</li> </ul>
"E-1" DISTRICT (requirements as to use)	11A(1)(I)	"Any use permitted in an E district, save as in this section otherwise provided, but excepting a district yard of the city corporation."	"Any use permitted in an E district, save as in this section otherwise provided, but excepting a district yard of a municipal corporation."	<ul style="list-style-type: none"> <li>The words the City are replaced by a municipal as underlined thus including a regional yard.</li> </ul>
"E-1" DISTRICT (landscaped area)	11A(6)	"For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or lot is situate, as landscaped area."	"For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area."	<ul style="list-style-type: none"> <li>The word "lot" is replaced by "structure" as underlined.</li> </ul>
"E-2" DISTRICT (public uses)	11B(1)(viii)	"Any or all of the following service types of use in a multiple dwelling..."	"ACCESSORY AND INCIDENTAL USES"  "Accessory and incidental uses any or all of the following service types of use in a multiple dwelling:"	<ul style="list-style-type: none"> <li>Numbering incorrect, as another use also numbered 11B(1)(viii). Renumber as 11B1(ix) and insert heading <u>ACCESSORY AND INCIDENTAL USES</u>.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"E-2" DISTRICT (landscaped area)	11B(6)	"For every building or structure, there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or lot is situate, as landscaped area".	"LANDSCAPED AREA"  "For every building or structure, there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area."	<ul style="list-style-type: none"> <li>For clarification and interpretation. Add new heading above clause (6) "Landscaped Area". The word "lot" is replaced by "structure" as underlined to reflect intent.</li> </ul>
"E-3" DISTRICT (Height Requirements)	11C(1a)(b)	"Except as provided in clause (c), where a building or structure is distant not greater than 30.0 metres (98.43 feet) from a "DE", "DE-3" "RT-10" and "RT-20" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height;"	Except as provided in clause (c), where a building or structure is distant not greater than 30.0 metres (98.43 feet), from a "DE", "DE-2", "DE-3", "RT-10", "RT-20", or "RT-30" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height;	<ul style="list-style-type: none"> <li>Addition of "DE-2" and "RT-30" districts as underlined.</li> </ul>
	11C(1a)(c)	"(c) Where a building or structure is distant not less than 30.0 metres (98.43 feet) from an,  (i) "AA", "B", "B-1", "B-2", "C", "D", and "L-R" district and  (ii) "DE", "DE-3", "RT-10" and "RT-20" district, the height of a building or structure shall not exceed eighteen storeys or 57.0 metres (187.01 feet) in height."	"(c) where a building or structure is distant not less than 30.0 metres (98.43 feet) from an,  i) "AA", "B", "B-1", "B-2", "C", "D" and "L-R" district and  ii) "DE", "DE-2", "DE-3", "RT-10", "RT-20" and "RT-30" district, the height of a building or structure shall not exceed eighteen storeys or 57.0 metres (187.01 feet) in height"	<ul style="list-style-type: none"> <li>As per 11c(1a)(b) above.</li> </ul>
"F" DISTRICTS (Special Waterfront District)	12.(1)(f)	"A multiple dwelling;"	Insert title "RESIDENTIAL USES" before start of clause.	<ul style="list-style-type: none"> <li>For clarification and interpretation.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"G-1" DISTRICT (Incidental and Accessory Uses)	12.(1)(iii)	"A private club, lodge, fraternity, or sorority house..."	Renumber as clause 12.(1)(iv) and insert title "PUBLIC USES" before start of clause.	• For clarification and interpretation. Uses are considered public.
	12.(1)(iv)	"A bathing pool..."	Renumber as clause 12.(1)(v).	• Uses are considered public.
	12.(1)(v)	"A jetty, marina, boathouse..."	Renumber as clause 12.(1)(vi) and insert title "COMMERCIAL USES" before start of clause.	• For clarification and interpretation. Uses are considered commercial.
	12.(1)(vi)	"A hotel;"	Renumber as 12.(1)(iii)	• By definition a hotel is a "residential" use.
	12.(1)(ix)	"A building, structure or use..."	Insert title "ACCESSORY USES" before start of clause.	• For clarification and interpretation.
"G-2" DISTRICTS	13A(1)(xiii)	"Any uses customarily incidental to any permitted use and not hereinbefore in this specifically mentioned or limited, provided that every such incidental use and every accessory use is carried on upon the same premises as the permitted use, and occupies not more than 25% of the floor area."	"Any uses customarily incidental to any permitted use and not hereinbefore in this section, specifically mentioned..."	• Addition of the word "section" as underlined for clarification.
	13B(1)(c)	"A tavern"	"A restaurant with or without dancing or other entertainment;"	• Delete reference to "A tavern", obsolete use no longer classified by the L.L.B.O., replace "A tavern" with "A restaurant with or without dancing or other entertainment;"
(Parking Space Requirements)	13B(7)	"Subsection 6 of...shall not apply to clause (ii), (iii) and (iv) of subsection 1".	Change reference to clauses (ii), (iii) and (iv) as underlined to clauses "(g), (h) and (j)"	• Reference to clauses (ii), (iii) and (iv) Incorrect as clauses are alphabetically listed



SECTION	DISTRICTS	SECTION NO.	EXISTING PROVISION	PROPOSED AMENDMENT	NATURE OF AMENDMENT
"G-3" (Area Requirements)		13C(3)(ii)	"No side yard or rear yard shall be required, <u>but any parking space located adjacent to a side lot line or rear lot line of a public parking lot shall be at least 1.5 metres (4.92 feet) from any residential building in an adjacent residential district.</u> "	Delete the underlined portion of the clause and substitute the following: "...except for a minimum 1.5 metres (4.92 feet) yard where any public parking lot adjoins a residential district. Furthermore, there shall be provided and maintained between the boundary of the parking lot and the residential district, an area landscaped with a planting strip."	<ul style="list-style-type: none"> <li>amendment will bring the clause into compliance with the intent of clause 18(A).(12)(a) respecting general landscape requirements for parking areas adjacent to residential districts.</li> </ul>
"I" DISTRICT (Industrial Uses)		14(1)(xviii)	" <u>Any industrial use as permitted in a G district or any manufacture normally incidental to a permitted use conducted on the premises, if no more than twenty-five per cent of the floor area is occupied by power driven mechanical equipment.</u> "	Any manufacture normally incidental to a permitted use conducted on the premises, if no more than twenty-five per cent of the floor area is occupied by power driven mechanical equipment.	<ul style="list-style-type: none"> <li>Deletion of phrase "any industrial use as permitted in a G district or" as undefined. Industrial uses are not permitted in "G" Districts.</li> </ul>
"HH" DISTRICTS		14A(1)(ca)	"A tavern;"	"A restaurant with or without dancing or other entertainment;"	<ul style="list-style-type: none"> <li>delete reference to "A tavern" obsolete use no longer classified by the LLBO replace (ca) with "A restaurant with or without dancing or other entertainment;"</li> </ul>
		14A(3)(a)	"A front yard of a depth of at least 12.0 metres (39.37 feet); ...And provided further, that in the case of an automobile service station,...fuel pump islands may also be accommodated at a distance of not less than 3.0 metres (9.84 ft.) from the nearest street line..."	"A front yard of a depth of at least 12.0 metres (39.37 feet);...And provided further, that in the case of an automobile service station,...fuel pump islands, <u>including a canopy</u> , may also be accommodated at a distance of not less than 3.0 metres (9.84 feet) from the nearest street line,..."	<ul style="list-style-type: none"> <li>Addition of "including a canopy" as underlined, otherwise canopy would have to be setback 12.0 metres (39.37 feet) whereas fuel pump island is only 3.0 metres (9.84 feet).</li> </ul>



SECTION	SECTION NO.	EXISTING PROVISION	PROPOSED AMENDMENT	NATURE OF AMENDMENT
"I" DISTRICT (Industrial Uses)	15.(1)(xxiv)	"A factory for the manufacture of brooms, brushes, mops, carpet sweepers, artificial flowers and feathers, fountain pens and pencils, artificial ice, electric lamps and lamp shades, mattresses, musical instruments, regalia and society emblems, electric signs and other signs, stamps and stencils, statuary, art goods and novelties, toys, umbrellas, or any other products of <u>Miscellaneous Products</u> industry as classified in the reports of the Dominion bureau of Statistics for Manufacturing Industries published in the year A.D. 1948...."	A factory for the manufacture of brooms, brushes, mops...umbrellas or any other products as listed in Major Group 39 - <u>(Other Manufacturing Industries)</u> of the Standard Industrial Classification (SIC), 1980 by Statistics Canada.	<ul style="list-style-type: none"> <li>Reference to 1948 Manufacturing Industries Statistics replaced by the reference to SIC 1980 as underlined.</li> </ul>
"H" DISTRICT (Floor Area Ratio)	15A(d)	Referred to as Section 15A(d)	Should be referred to as Section 15A(4)	<ul style="list-style-type: none"> <li>Renumber Section from (d) to (4) as there is no alphabetical reference in this section.</li> </ul>
"CR" DISTRICTS (Commercial Uses)	15B(3)(b)	<p>"Commercial uses:</p> <p>7. A business or professional person's office;</p> <p>8. A finance insurance or real estate office;..."</p> <p>16. A restaurant or refreshment room including a take-out and delivery food service;...26"</p>	<p>"Commercial uses:</p> <p>1. A business or professional person's office;</p> <p>2. A finance insurance or real estate office;..."</p> <p>10. A restaurant <u>without any dancing or other entertainment except music</u>, including a take-out and delivery food service.</p> <p>11. ...21"</p>	<ul style="list-style-type: none"> <li>Renumber section accordingly starting at #7 through #26, as #1 through #21.</li> <li>Delete reference to "or refreshment room" as underlined, and add after the word a restaurant <u>without any dancing or other entertainment except music</u>, to the restaurant use currently permitted in Section 15B(3)(b) as term is redundant.</li> </ul>
	15B(3)(e)	"Accessory uses to a principal use permitted in subclauses (a),(b),(c) and (d)	Change reference to <u>subclauses</u> as underlined to "clauses".	<ul style="list-style-type: none"> <li>Reference to "subclauses" is an error.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
	15B(4)	"In "CR-1", "CR-2", "CR-3" Districts..."	"In "CR-1", "CR-2" and "CR-3" Districts..."	<ul style="list-style-type: none"> <li>Introduce the word "and" between "CR-2" and "CR-3"</li> </ul>
	15B(10)	"In a "CR-3" District, where no window to a habitable room is located on the wall of the building or structure facing a yard, any such yard need not have a depth of more than 4.5 metres (14.76 feet)."	In a "CR-1", "CR-2" and "CR-3" district, where no window to a habitable room is located on the wall of the building or structure facing a yard, any such yard need not have a depth of more than 4.5 metres (14.76 feet).	<ul style="list-style-type: none"> <li>Addition of "CR-1" and "CR-2" Districts as underlined.</li> </ul>
"CR" DISTRICT	15B(11)(a)	"(a) Where a front yard adjoins any other lot located on the same side of the street between two streets intersecting the side of the street on which lot is located, a front yard having a depth of not less than the depth of the required front yard for such adjoining lot;"	"(a) Where a front yard adjoins any other lot located on the same side of the street between two streets intersecting the side of the street on which <u>the lot</u> is located, a front yard having a depth of not less than the depth of the required front yard for such adjoining lot;"	<ul style="list-style-type: none"> <li>Addition of the word "the" and a comma as indicated by the underlined section.</li> </ul>
	15B(27)	"No landscaped area provided under subsection 21 shall be above grade, unless the landscaped area is open to the unobstructed view and overlooked by residential uses."	"No landscaped area provided under subsection 21 shall be above grade, unless the landscaped area is open to the unobstructed view and overlooked by residential uses <u>located on the same lot</u> ."	<ul style="list-style-type: none"> <li>Addition of "located on the same lot" as underlined clarifies intent of subsection.</li> </ul>
"J" DISTRICT (Light and Limited Heavy Industry)	16.(1)(f)	"Any institutional use of detentional purposes or for emergency..."	Change "of" as underlined to "for".	<ul style="list-style-type: none"> <li>Grammatical change.</li> </ul>
	16.(1)(vi)	"A dry-cleaning establishment, solid fuel supply yard, or a fuel-oil storage tank or gasoline storage tank;" <u>"for additional requirements as to control of location of gasoline storage tanks, tanneries, and other dangerous or offensive uses, see Section 18."</u>	Delete * at end of clause and delete paragraph beginning with * as underlined.	<ul style="list-style-type: none"> <li>Reference redundant due to recommendation to delete subsection 18(1).</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
"J-3" DISTRICT (Prestige Industrial District)	16B		Delete entire Section 16B from Zoning By-law.	<ul style="list-style-type: none"> <li>Zoning District never used since introduction - redundant</li> </ul>
"L" DISTRICTS	17B.(1)(f)	"Multiple Residential" use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used except for <u>row dwellings</u> and multiple dwellings."	"Multiple Residential" use means that no building or structure shall be erected, altered, extended or enlarged, nor shall any buildings or structure or part thereof be used, nor shall any land be used except for <u>townhouse dwellings, maisonette dwellings</u> and multiple dwellings."	<ul style="list-style-type: none"> <li>Row dwellings replaced by "townhouse dwellings" and "maisonette dwellings" to reflect terminology of by-law.</li> </ul>
	17B.(6)	"In an "L" district, the District Maps appended to and forming part of Zoning By-law No. 6593 shall be amended in accordance with,  (a) Such further and restricted area by-law as may be passed by the Council of the Corporation of the City under <u>Section 35</u> of the Planning Act,  l) By changing from "L" (Planned Development) District marked "L-1" on the District Maps to either  A. "B" (Suburban Agricultural and Residential, etc.) District, or  B. "B-1" (Suburban Agricultural and Residential, etc.) District, or	"In an "L" District, the District Maps appended to and forming part of Zoning By-law No. 6593 shall be amended in accordance with,  (a) Such further and restricted area by-law as may be passed by the Council of the Corporation of the City under <u>Section 34</u> of the Planning Act,  l) By changing from "L" (Planned Development) District marked "L-1" on the District Maps to either  A. "B" (Suburban Agricultural and Residential, etc.) District, or  B. "B-1" (Suburban Agricultural and Residential, etc.) District, or	<ul style="list-style-type: none"> <li>Reference to section 35 of the Planning Act changed to Section 34, as underlined, per changes to the Act</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
		C. "B-2" (Suburban Residential) District, or	C. "B-2" (Suburban Residential) District, or	
		D. "C" (Urban Protected Residential, etc.) District, or	D. "C" (Urban Protected Residential, etc.) District, or	
		E. "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District	E. "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, or	
			F. "R-2" (Urban Protected Residential - One and Two Family Dwellings) District or	• Add "F" and "G" as underlined to recognize new low density residential districts.
			G. "R-4" (Small Lot Single-Family Detached) District;	
17B.(6)(a)(v)J	...(v)	By changing from "L" (Planned Development) District marked "L-c" on the District Maps to either,	By changing from "L" (Planned Development) District marked "L-c" on the District Maps to either,	• Numbering incorrect due to duplication, therefor, change J. to M. as underlined.
	...	J. "M-11" (Prestige Industrial) District."	M. "M-11" (Prestige Industrial) District."	



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS	18(1)	"Notwithstanding the provisions of Section 3 to 17 inclusive, and subject to the provisions of subsection 1(a) of this section, no land, building or structure shall without the approval in writing of the Committee of Adjustment be used in the area covered by this By-law for any commercial or industrial purpose likely to create danger to health or danger from fire or explosion and specified following namely..."	Delete underlined wording.  "Notwithstanding the provisions of Section 3 to 17 inclusive, no land, building or structure shall be used in the area covered by this By-law for any commercial or industrial purpose likely to create danger to health or danger from fire or explosion and specified following namely..."	<ul style="list-style-type: none"> <li>Committee of Adjustment no longer has jurisdiction. Enabling legislation repealed by Planning Amendment Act, 1966, Chapter 116 S.3.</li> </ul>
	18(1a)	"Upon any application for approval pursuant to subsection 1 of this section, the Committee of Adjustment shall give one copy of its written decision to the applicant and shall file one copy with the City Clerk, and where the committee has refused to grant any such application it shall upon the request of the applicant, refer the matter to the Ontario Municipal Board, which Board may grant or refuse such approval."	Repeal	<ul style="list-style-type: none"> <li>Redundant due to changes to Section 18(1) above. Furthermore, the Ministry of the Environment now has control of these matters.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
	18(4)(ff)	"All facilities for changing clothes, or for pumping or <u>filtering</u> or other such accessory purposes shall be subject to the provisions of this by-law applicable to accessory buildings."	"All facilities for changing clothes in conjunction with <u>swimming pools</u> , or other such accessory uses shall be subject to the provisions of this By-law applicable to accessory buildings."	<ul style="list-style-type: none"> <li>Delete reference to "or for pumping or filtering" as underlined and add "in conjunction with swimming pools" as underlined. By-law inconsistent as central air conditioning units, window air conditioning units or heat pumps are required to be 5.0 metres from the front or rear lot line, and 2.4 metres from a side lot line, whereas swimming pool pumps, filter, pool heaters, etc. are only permitted in a rear yard, distant at least 0.45 metres from the nearest lot line.</li> </ul>
	18(4)(v)	<p>"Notwithstanding any other provisions of this By-law, a central air conditioning unit, window air conditioning unit or heat pump in a residential district shall be distant not less than,</p> <p>(a) 5.0 metres measured from the front lot line or rear lot line; and</p> <p>(b) 2.4 metres from the side lot line, of the property on which the air conditioner or heat pump is situate."</p>	<p>"Notwithstanding any other provisions of this By-law, a <u>swimming pool pump</u>, <u>swimming pool heater</u>, <u>filtering equipment</u>, central air conditioning unit, window air conditioning unit or heat pump in a residential district shall be distant not less than,</p> <p>(a) 5.0 metres measured from the front lot line or rear lot line; and</p> <p>(b) 2.4 metres from the side lot line;</p> <p>of the property on which the <u>swimming pool pump</u>, <u>swimming pool heater</u>, <u>filtering equipment</u>, air conditioner or heat pump is situate".</p>	<ul style="list-style-type: none"> <li>Change by adding underlined wording. Amendment will establish same regulations for swimming pool pumps, swimming pool heaters and filters, air conditioners and heat pumps, thereby eliminating inconsistency for similar uses.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS (Permitted Changes of Non-Conforming Uses)	18(5)	"A non-conforming use in any district may be authorized to be changed to any other use which conforms more closely to the uses permitted in such district upon application to the Committee of Adjustment pursuant to the provisions made and provided in that behalf in the Planning Act."	"A non-conforming use in any district may be authorized to be changed to any other use which conforms more closely to the uses permitted in such district upon <u>successful</u> application to the Committee of Adjustment pursuant to the provisions made and provided in that behalf in the Planning Act."	<ul style="list-style-type: none"> <li>• Addition of "successful" as underlined to qualify need for approval of Committee of Adjustment.</li> </ul>
SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS (Special Requirements for Groups of Row Dwellings, Multiple Dwellings, etc.)	18.(8)	<p>"SPECIAL REQUIREMENTS FOR GROUPS OF ROW DWELLINGS, MULTIPLE DWELLINGS, ETC.</p> <p>(8) Notwithstanding subsection 3 of section 4 of this By-law, a group of the following classes of dwellings in any combination with each other,</p> <p>(a) Townhouse Dwellings,</p> <p>(b) Maisonette Dwellings, and</p> <p>(c) Multiple Dwellings,</p> <p>may be erected, altered, extended or enlarged on any lot or tract of land in a district in which such a use is permitted by this By-law..."</p>	<p>"SPECIAL REQUIREMENTS FOR GROUPS OF TOWNHOUSE DWELLINGS, MAISONETTE DWELLINGS, MULTIPLE DWELLINGS, ETC.</p> <p>(8) Notwithstanding subsection 3 of section 4 of this By-law, a group of the following classes of dwellings in any combination with each other,</p> <p>(a) Townhouse Dwellings,</p> <p>(b) Maisonette Dwellings, and</p> <p>(c) Multiple Dwellings,</p> <p>may be erected, altered, extended or enlarged on any lot or tract of land in a district in which such a use is permitted by this By-law..."</p>	<ul style="list-style-type: none"> <li>• Change heading as underlined to reflect terminology in the zoning by-law.</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
	18.(10)	"(i) Where a lot is adjacent to a street referred to in Schedule "C"..."	<b>SETBACK OF BUILDINGS</b>  (i) Where a lot is adjacent to a street referred to in schedule "C"..."	<ul style="list-style-type: none"> <li>Addition of heading to identify application of section.</li> </ul>
PARKING AND LOADING REQUIREMENTS	18A(5)(c)	"(c) The area contained within the perimeter of the building at each floor level including storeys below grade;"	"(c) The area contained within the perimeter of the building at each floor level including storeys below grade, <u>other than a cellar.</u> "	<ul style="list-style-type: none"> <li>Add underlined wording (other than a cellar), in order to bring definition of "floor area" into compliance with definition of "storey" which excludes "cellar"</li> </ul>
	18A TABLES 1,2,3,4 and 5	No table headings provided	<p><b>TABLE 1 - REQUIRED PARKING FOR RESIDENTIAL, INSTITUTIONAL, PUBLIC AND COMMERCIAL USES</b></p> <p><b>TABLE 2 - REQUIRED RESIDENTIAL VISITOR PARKING</b></p> <p><b>TABLE 3 - MINIMUM REQUIRED LOADING SPACE - MULTIPLE DWELLINGS</b></p> <p><b>TABLE 4 - MINIMUM REQUIRED LOADING SPACE FOR COMMERCIAL USES</b></p> <p><b>TABLE 5 - MINIMUM REQUIRED LOADING SPACE FOR OFFICE USES</b></p> <p><b>TABLE 6 - MINIMUM REQUIRED MANOEUVRING SPACE FOR PARKING AREAS"</b></p>	<ul style="list-style-type: none"> <li>Insert appropriate Table Headings for clarity</li> </ul>



<u>SECTION</u>	<u>SECTION NO.</u>	<u>EXISTING PROVISION</u>	<u>PROPOSED AMENDMENT</u>	<u>NATURE OF AMENDMENT</u>
BY-LAW NO. 67-357	18A(36)1.(b)	"A distance of not less than 12.0 metres (39.37 feet) between a residential district and the parking and manoeuvring area used in conjunction with a restaurant,"	"A distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant."	• Addition of "and the driveway" and "area" as underlined for the protection of an abutting residential district.
	18A(TABLE 1 - 1(J) Column 1	"Lodging House, Hostel;"	"Lodging House, Hostel, <u>Tourist Home.</u> "	• Addition of "Tourist Home" as underlined presently there is no parking requirement.
	5.	"The said Zoning By-law No. 6593 is further amended by adding this amending By-law to Section 19B as Schedule "S-58"	Amend by adding the following phrase as underlined:  "The said Zoning By-law No. 6593 is further amended by adding this amending By-law to Section 19B as Schedule "S-58" for those lands identified in Section 1 of this By-law."	• Application of "S-58" to lands described in section 2 of By-law 67-357 is redundant as there are no special requirements for those lands.







7.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

JUN 16 1992

**DATE:** 1992 June 9  
CI-89-A

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Review of regulations pertaining to satellite dishes.

**RECOMMENDATION:**

That approval be given to City Initiative 89-A to provide for amendments to Zoning By-law No. 6593, respecting the regulation of satellite dishes, on the following basis:

- i) That Section 2.(2)H of Zoning By-law No. 6593 be amended by adding the following definition of a satellite dish:

(vica) "Satellite dish" shall be defined as a concave directional antennae having a diameter of one metre or more which is used or intended to be used to send or receive signals to or from satellites.

- ii) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

"Special Requirements for Satellite Dishes"

- (13) Notwithstanding any other provision of this By-law, the following provisions shall apply to every satellite dish:

- (1) Except as provided in paragraph (2), only one satellite dish shall be permitted on every lot in a residential district, and shall comply to the following:

- a) located only in a rear yard;



- b) set back a distance of not less than the diameter of the dish from every side and rear lot line;
  - c) a height not exceeding 4.5 m including the support structure;
- (2) Satellite dishes shall be permitted and only located on the roof of a multiple dwelling or the roof of the principal building in a non-Residential District, and Section 2.(2)J.(ix) shall not apply to every such satellite dish.
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by establishing new regulations pertaining to the location of satellite dishes.

The effect of the By-law is to establish the following definition for a satellite dish:

"A *satellite dish* shall be defined as a concave directional antennae having a diameter of one metre or more which is used or intended to be used to send or receive signals to or from satellites."

Any satellite dish that is less than one metre in diameter will be exempt from the new regulations.

The following are the proposed new regulations for the location of satellite dishes:

**Residential Districts (except a multiple dwelling):**

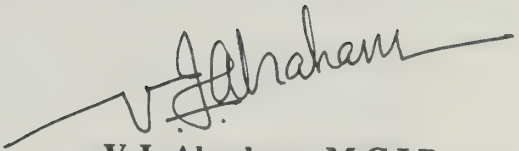
- every satellite dish shall be located in the rear yard only;
- every satellite dish shall be set back from the side and rear lot lines by a distance not less than the diameter of the dish;
- a satellite dish shall have a maximum height of 4.5 m;
- a maximum of one satellite dish shall be permitted on a lot.

**Non-Residential Districts or a Multiple Dwelling:**

- the satellite dish shall be located on the roof of the principal building only.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- The Study

This review of the regulations pertaining to the location of satellite dishes is being undertaken at the request of the Planning and Development Committee. Specifically, a review was to be undertaken of the regulations pertaining to the location of satellite dishes in residential areas. However, satellite dishes located in non-residential zoning districts located adjacent to residentially zoned land could have a negative spillover effect. Examples of this type of problem are the "H" (Community Shopping and Commercial, etc.) District and the "HH" (Restricted Community Shopping and Commercial) District which typically adjoin single-family homes along the rear zoning district line. Other situations arise in the older areas of the City where single-family homes adjoin industrially zoned land (such as "J" and "K" zoned land). Therefore, this review of satellite dish locations pertains to both residential and non-residential zoning districts.

- Public Information Meeting

A public information meeting was held on April 27, 1992 with the Chairman of the Planning and Development Committee and staff from the Planning and Development Department in attendance. Members of the public attended as did a representative from a firm which sells and installs satellite dishes. All of the citizens in attendance, as well as the representative from the satellite dish firm, were in concurrence with the proposed regulations. In addition, the representative from the satellite dish firm advised that the proposed regulations were consistent with the installation practices of his firm.

***PROBLEM:***

The attached photographs indicate the problems that can arise when a satellite dish is placed on the roof of the principal building (Pictures 1 and 2). The dishes shown in these two pictures are



large structures, intrude into the neighbourhood, and alter the character of the neighbourhood. Picture 2 particularly shows how the dish can alter the visual aesthetic of the streetscape.

Satellite dishes attached to other parts of the principal and accessory buildings are shown in Pictures 3, 4, and 5. Picture 3 is of a satellite dish attached to the front of the building. It is intrusive in the neighbourhood and negatively affects the neighbourhood character. This dish is attached to a house located in an area of the City of Hamilton which is typified by smaller lot widths (in the range of twenty to twenty-five feet in width). The close proximity of the houses makes the dish particularly intrusive in the streetscape and the neighbourhood. Picture 4 is a satellite dish attached to the side of the principal building. Again, the size of the dish intrudes into the neighbourhood and negatively alters the streetscape. Picture 5 is of a satellite dish attached to an accessory building which, in this case, is a garage. It negatively affects the neighbouring property to the east as this dish is located in the side yard which directly abuts the easterly neighbour's rear yard. Picture 6 is of a house that is used commercially in the downtown area (although located in a residential area). With two satellite dishes on the roof and one in the rear yard, a negative impact is created.

Lastly, Picture 7 shows a house with a satellite dish in the rear yard. The dish cannot be seen from the street because its height is less than that of the principal building and it is adequately set back from the neighbouring properties. *This is an example of a satellite dish that is well integrated with its surroundings.*

The problems with satellite dishes are that, depending on their location, they can be visually obtrusive, be an incompatible land use, and create a negative impact on the adjoining lands. The above noted photographs clearly demonstrate the problems which can arise.

It should be noted that the literature reviewed has not indicated that noise from satellite dishes is an issue.

### ***BACKGROUND ON SATELLITE DISHES:***

Municipalities can adopt regulations governing the location of satellite dishes. However, communications and transmission from satellites are federally regulated and municipal regulations cannot interfere with the federal regulations.

A satellite dish is a parabolic structure typically ranging in diameter from six to twelve feet. In the future, with technological advances, some dishes may be as small as 1.5 feet in diameter. It can either be mounted on a building or on a pole. It is intended to receive signals from a broadcasting satellite and transmit the signal to a television hooked up to the satellite dish by a cable.

Of planning relevance is the location of the dish. The transmitting satellites are located in the southern sky (southeast to southwest) so the dish must be positioned on the property so that it faces the southern sky with an unobstructed path to the satellite. Those properties with a rear



yard facing the southerly sky have the optimal location for a satellite dish. Properties with rear yards facing north are at a disadvantage in that they must either place the satellite dish in the front yard, on the roof, or in the rear yard at a sufficient height to provide an unobstructed path to the transmitting satellite.

### ***CITY OF HAMILTON POLICY AND REGULATIONS:***

#### **i) Official Plan**

The following policies contained in the Official Plan should be noted:

"C.7 It is the general intent of this Plan to promote a high standard of RESIDENTIAL and urban amenity ... .

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

viii) Other similar actions or matters as Council may deem appropriate."

The Official Plan provides specific direction regarding residential amenity. In this regard, remedial actions to preserve the integrity of the neighbourhood, to maintain the streetscape, and to reduce or eliminate any negative impacts within a neighbourhood and on residentially developed land can be implemented.

#### **ii) Zoning Regulations**

Under the City's Zoning By-law, there are two sets of regulations pertaining to satellite dishes, depending on whether or not the dish is attached to the principal building.

- **Satellite Dishes attached to the Principal Building**

The Building Department has advised that a satellite dish attached to a principal building (i.e. on the roof of a house) is considered to be a use not restricted under Section 3(4) of Zoning By-law No. 6593. In this regard, Section 3(4) states:

"3.(4) The provisions of this By-law shall not apply to limit the height of any silo, windmill or other farm building or structure, or of any belfry or church spire, or of any ornamental dome, cupola, or clock tower, or communications transmitting and receiving antennae, tower or mast."



Further, under this same Section of By-law No. 6593, the height of a satellite dish attached to the principal building is unrestricted. A satellite dish attached to the principal building could be located quite close to any adjoining property and, in those zoning districts where no side or rear yards are required (for example, the "G-2" District), the dish could be attached to the side of the building that is located on the lot line.

- Satellite Dishes not attached to the Principal Building

In this instance, the Building Department has advised that a satellite dish would be treated as an accessory structure to the principal building per Section 3.(3)(xxix) of Zoning By-law No. 6593. In this regard, Section 3.(3)(xxix) states:

"3.(3) Save with respect to requirements for yards and parking facilities, and save as hereinafter otherwise specifically provided or limited, the provisions of this By-law shall not apply to:

(xxix) Any accessory building, structure or use not contrary to law, save as otherwise provided or limited by this By-law."

The satellite dish, in this case, would have to be located in the rear yard only and is not permitted to encroach in any required side yards. In the case of a corner lot, the satellite dish would have to be setback from the street line the minimum distance of the required front yard of any adjoining lot. The height of a satellite dish would be restricted to a maximum of 4.5 m (14.76 feet).

The setback from the rear lot line is established in Section 18(4)(iv) of the Zoning By-law and is a minimum of 0.45 m (1.5 feet).

iii) A-86:161 - 24 Pinewarbler Court

This application was submitted to the Committee of Adjustment to continue to maintain a satellite dish in the front yard. The Committee of Adjustment denied the application for the following reasons:

"The Committee is of the opinion that the relief requested with respect to the satellite dish is beyond that of a minor nature with a substantial undesirable impact on the neighbourhood streetscape."

The applicant subsequently appealed the decision to the Ontario Municipal Board. The Board denied the appeal for the following reasons:



"Firstly, the Official Plan in subsection C.7 discloses the City's desire to maintain and promote a high standard of amenity in residential districts. Subsection C.7.1 indicates that such is to be provided by striving for compatibility within such districts. If anything, the receiving dish achieves the opposite and to permit such incompatible use to remain would not be in keeping with the intent and purpose of the Official Plan.

Secondly, the satellite dish, based upon both the comments of the neighbours and the City's planner and also upon the pictorial evidence presented to the Board, represents a visual intrusion upon the uniform character of the streetscape and as such is an inappropriate use of the land.

Thirdly, given its overall negative impact and its location in the front yard, contrary to what is contemplated by Section 18(4)(iv) of By-law 6593, the Board finds that it offends the general intent and purpose of the by-law."

#### ***INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:***

Ten municipalities in southern Ontario were contacted to obtain information regarding their treatment of satellite dishes (see Table I). Of these ten, four municipalities have specific regulations pertaining to satellite dishes, for which the following is a summary of the applicable regulations.

##### **i) Location**

All four municipalities permit satellite dishes in the rear yard only. This prohibits satellite dishes from being located on the roof of the principal building, attached to the principal building, or attached to any accessory structure.

Within the rear yard, each municipality has set regulations for minimum setbacks from the property lines (rear lot line and side lot lines). Both North York and the City of York require the satellite dish to be set back from both the side and rear lot lines by the diameter of the dish. The Town of Vaughan requires setbacks from both the side and rear lot lines by 1.5 m or the minimum of the required setback (either side or rear yard) for the principal building, whichever is greater. The Town of Markham requires minimum setbacks of 1.8 m (6 feet) from both the side and rear lot lines.



ii) Height

Two municipalities set the maximum height of a satellite dish at 4.5 m (14.8 feet). The remaining two set maximum heights of 6.0 m (19.7 feet) and 16.6 m (54.5 feet).

iii) Number of Dishes per Lot

Three of the municipalities do not restrict the number of satellite dishes on a lot. The remaining municipality, the City of York, restricts satellite dishes to one per lot.

The remaining municipalities (six) treat satellite dishes as an accessory structure, which is similar to the manner in which the City of Hamilton currently regulates satellite dishes. The following is a summary of the same issues as discussed above for those municipalities treating satellite dishes as accessory structures.

i) Location

Three of the six municipalities regulate the location of accessory structures by permitting satellite dishes in the rear yard or the interior side yard only. Two municipalities do not permit accessory structures in front of the principal building and the remaining municipality regulates the location of the accessory structure through the district setback requirements.

Within the permitted location for the accessory structure, these municipalities also have minimum side and rear yard setback requirements. The side yard requirements range from 0.9 m (3 feet) to 2.4 m (8 feet). The rear yard setbacks range from 0.5 m (1.6 feet) to 1.8 m (6 feet).

ii) Height

The maximum permitted height for an accessory structures varies across these six municipalities. Three municipalities have regulations specifying a maximum height of 4.5 m (14.8 feet) while the remaining three municipalities set the maximum height of the accessory structure at 4.0 m (13.1 feet), 3.7 m (12.1 feet) and 2.5 m (8.2 feet).

iii) Number of Dishes Per Lot

None of the municipalities restrict the number of accessory structures permitted on a lot.



**COMMENTS:**

1. The following is a list of potential options regarding the regulation of satellite dishes:

- Option 1 - Maintain the Status Quo

This option would see satellite dishes continue to be treated as accessory structures when not attached to the principal building. When a satellite dish is attached to the principal building, its height and location would be unrestricted.

- Option 2 - Restrict the Location of Satellite Dishes

Given the differential treatment of satellite dishes (depending on whether they are attached to the principal building or not), it is apparent that there is a range of options for locating the dish, with some locations being more intrusive and having greater impact on adjoining properties. In particular, satellite dishes attached to the principal building (for example, attached to the roof or the front of a building) have the potential for serious impacts within the neighbourhood and on the streetscape. It is apparent from the attached pictures that the rooftop location is unsightly and alters the streetscape of the neighbourhood. An amendment to By-law No. 6593 to restrict the location of the satellite dish to the rear yard only and prohibit dishes from being attached to the principal building and any accessory building or structure would address this concern.

Should a landowner have particular difficulty in meeting this requirement, relief could be sought from the Planning and Development Committee or the Committee of Adjustment. In this regard, those affected by the proposed location of the dish, the surrounding neighbours, would have input into the process and the decision.

- Option 3 - Increase Setbacks for the Side and Rear Yards

Section 18 of the Zoning By-law requires a minimum setback of 0.45 m (1.5 feet) from both the side and rear lot lines for every accessory structure (of which a satellite dish is currently classified). However a large dish setback by 1.5 feet may negatively affect the adjoining landowner (in terms of visual intrusiveness). Some of the zoning districts (such as the "H" District) have minimal side yard requirements and a satellite dish located in this area would negatively affect the adjoining landowner.

A solution could be to require that the satellite dish be setback from every side and rear lot line by the diameter of the dish. A larger dish will require a larger setback thereby providing further protection for the adjoining landowner. Should the location of the dish be restricted to the rear yard, per Option 2, then no dish would be permitted to encroach in any required side yard. In this regard, a dish



that is smaller in diameter than the required side yard would be located no closer to the side lot line than the required side yard for the district.

Again, should a landowner have a particular difficulty in meeting this requirement, relief could be sought from the Planning and Development Committee or the Committee of Adjustment.

- Option 4 - Restrict the Height of Satellite Dishes

Even if a satellite dish is located in the rear yard, the height of it, if it exceeds the top of the roof, could be unsightly to neighbours. Other municipalities with regulations specific to satellite dishes restrict the height to varying figures. Two municipalities use the same maximum height as established for accessory structures in the City of Hamilton's Zoning By-law. Two others have somewhat higher figures yet no information could be obtained as to how these figures were determined.

A local satellite dish firm was contacted to obtain information regarding the minimum height at which a dish can be installed. The firm's staff indicated that the height of the dish is dependent upon the surroundings and, in particular, if there are obstructions in the area such as trees or fences, the dish will have to be at a sufficient height to clear the obstruction to the transmitting satellite. However, the staff member did also indicate that most dishes are placed on five foot poles which is then attached to the centre of the dish. The height of the dish, then, would be ten feet.

Zoning By-law No. 6593 restricts the height of accessory structures to 4.5 m (14.76 feet). Two of the municipalities surveyed also restrict satellite dishes to this height. Restricting satellite dishes to a height of 4.5 m would be beneficial in two respects. First, no dish will be higher than any accessory building thus integrating the dish with its surroundings. Second, the height of 4.5 m is approximately five feet greater than the minimum height of ten feet required for a dish. In this regard, the additional five feet will provide an allowance for those persons who need the dish to be located somewhat higher because of the surrounding circumstances.

Again, should a landowner have a particular difficulty in meeting this requirement, relief could be sought from the Planning and Development Committee or the Committee of Adjustment.



- Option 5 - Number of Dishes per Lot

More than one satellite dish on a lot would increase the spillover effects on the neighbourhood. Therefore it may be appropriate to limit the number of dishes per lot to one. Any landowner wishing to place more than one dish on a lot would have to seek relief from the Committee of Adjustment or seek a zoning modification through the Planning and Development Committee. In this regard, those directly affected, the neighbours, would have input into the Committee's decision.

- Option 6 - Permit Satellite Dishes on the Roof of the Principle Building - Commercial and Industrial Districts and Multiple Dwellings

There are numerous examples of low-density residential development adjoining commercially zoned land, industrially zoned land, and multiple dwellings in the City of Hamilton. Examples are the "H" (Community Shopping and Commercial, etc.) District in the lower city; industrial land in neighbourhoods such as Landsdale, Normanhurst, Greeningdon, Parkview East and West; and multiple family dwellings in Durand Neighbourhood and many upper City neighbourhoods. The typical form of development is fronting on a major arterial road and adjoining single-family residential at the rear. A satellite dish, if required to be located in the rear yard only, could be an intrusion into the single-family residential neighbourhood.

A solution to this issue would be to permit satellite dishes to be located on the roof of any land zoned for commercial or industrial use. The advantage to this regulation is that the commercial and industrial buildings are set back from the residential land and are usually built at a height greater than the adjoining single-family homes. The satellite dish, if located on the roof of the principal building, will be setback at a greater distance than would be otherwise established if the dish was located in the rear yard. In addition, the dish would be at a height that would be, effectively, out of the view of the neighbours.

The above discussion also applies to multiple dwellings. Given the height of most multiple dwellings (three storeys or over), it would be appropriate that roof top dishes be allowed in multiple dwellings as well.

From the above discussion, it would be appropriate to introduce regulations to implement options 2, 3, 4, 5, and 6.

The proposed regulations conform to the intent of the Official Plan.



2. In order to implement the above regulations respecting satellite dishes, it is necessary to establish a definition of a satellite dish. Accordingly, the following definition is recommended:

A "satellite dish" shall be defined as a concave directional antennae having a diameter of one metre or more which is used or intended to be used to send or receive signals to or from satellites.

This definition is similar to that of other municipalities (North York, Niagara Falls).

It should be noted that this definition restricts only those satellite dishes which are greater than one metre in diameter. Should the technology change such that satellite dishes are smaller than one metre in diameter, the proposed regulations will not apply to those particular satellite dishes. Research by the Planning and Development Department indicates that, currently, satellite dishes are typically 3 metres in diameter but can be as small as 1.8 metres in diameter.

3. Upon the finalization of the implementing By-law, the location of any existing satellite dish which does not comply with the new regulations will become legal non-conforming.

### ***CONCLUSION:***

Based on the foregoing, the proposed new regulations can be supported.

MLT/ma  
WPCI89A



1



2

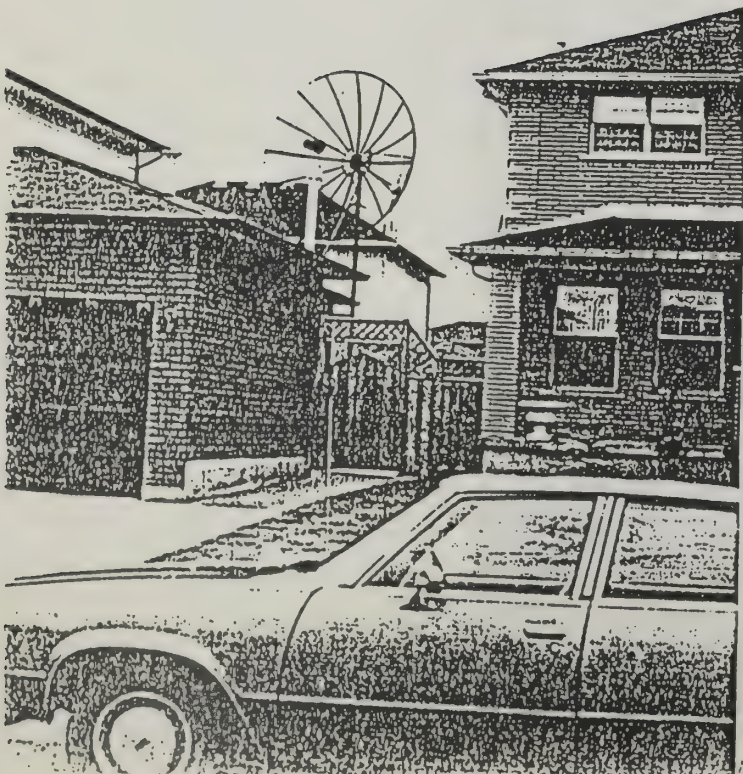




3



4





5









Table I - Regulations from Other Municipalities

Municipality	Specific Regulations	Location of Dish	Side Yard	Rear Yard Setback	Maximum Height	Number of Dishes/Lot
North York	Yes	Rear Yard Only	Diameter of Dish	Diameter of Dish	16.6 m (54.5')	Unrestricted
York	Yes	Rear Yard Only	Diameter of Dish	Diameter of Dish	6.0 m (19.7')	One
Vaughan	Yes	Rear Yard Only	Greater of: 1.5m or minimum required for main building	Greater of: 1.5m or minimum required for main building	4.5 m (14.8')	Unrestricted
Markham	Yes	Rear Yard Only	1.8 m (5.9')	1.8 m (5.9')	4.5 m (14.8')	Unrestricted
Etobicoke	No	Not permitted in front of main building	0.9 - 1.2 m (3 - 4')	0.6 m (2')	2.5 m (8.2')	Unrestricted
East York	No	Not permitted in front of main building	0.9 - 1.2 m (3 - 4')	0.5 m (1.5')	3.7 m (12.1')	Unrestricted



Table I - Regulations from Other Municipalities

Municipality	Specific Regulations	Location of Dish	Side Yard	Rear Yard Setback	Maximum Height	Number of Dishes/Lot
Mississauga	No	Subject only to district setback requirements	0.6 - 2.4 m (2 - 8 ')	0.6 m (2 ')	4.5 m (14.8 ')	Unrestricted
Brantford	Yes	Rear Yard or Interior Side Yard	1.5 m (5 ')	1.5 m (5 ')	4.5 m (14.8 ')	Unrestricted
Cambridge	No	Rear Yard or Interior Side Yard	1.2 m (4 ')	0.5 m (1.6 ')	4.5 m (14.8 ')	Unrestricted
London	No	Rear Yard or Interior Side Yard	1.2 m (4 ')	1.0 m (3.3 ')	4.0 m (13.1 ')	Unrestricted



CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** June 4, 1992  
ZA-91-57  
Hannon West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

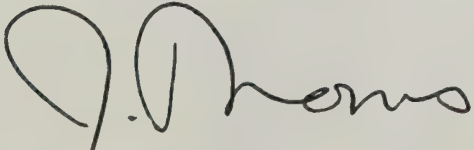
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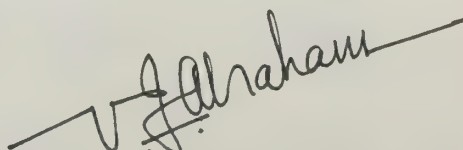
Request for a Modification in Zoning - No. 1050 Rymal Road East.

**RECOMMENDATION:**

That Zoning Application 91-57, Peter Georgakopoulos, owner, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations, to permit a restaurant within the existing building, in addition to the existing catering and banquet facility, for the property located at No. 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) it conflicts with the intent of the "M" District Review which would permit such use in the "M-11" District only. In this regard, the proposal is premature pending the completion of the study;
- ii) it represents an over overintensification of land use in that one hundred thirteen (113) parking spaces are required, however only sixty (60) parking spaces can be provided on site. Approval of the application would result in parking "spillover" problems onto surrounding properties and Rymal Road;
- iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- iv) there appears to be an adequate supply of appropriately zoned lands in the Mountain Industrial Area where the proposed use could be located.

  
J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V.J. Abraham M.C.I.P.  
Director of Local Planning



## FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

## BACKGROUND

- Current Proposal

The applicant is seeking a modification to the established "M-12" (Prestige Industrial) District regulations, to permit a restaurant within the existing building in addition to the existing catering and banquet facility, for the property located at No. 1050 Rymal Road East.

- Planning and Development Committee Meeting of April 8, 1992

At its meeting of April 8, 1992, the Planning and Development Committee heard the recommendation for DENIAL of the subject application. However, after a brief discussion, the Committee TABLED the application to permit Planning staff to meet with the applicant and the Ward Aldermen in an attempt to resolve the parking issue, and that a report be brought back to the Planning and Development Committee.

- Zoning Application 89-88

A previous zoning application for the subject property was filed, requesting a modification to the "M-12" (Prestige Industrial) District regulations to permit a lube shop in conjunction with a proposed car wash.

City Council at its meeting on January 30, 1990 adopted the recommendation of the Planning and Development Committee to approve the application.

By-law 90-43 came into effect on March 22, 1990, permitting a lube shop in conjunction with a car wash.

- Site Plan Control Application DA-90-38

Plans were submitted and approved on August 13, 1990 by the Planning and Development Committee for a catering centre at 1050 Rymal Road East. The proposed occupancy for the development was to be a catering business.

During the review of the proposed development plans the Building Department advised that the building use is recognized as Caterer under S.I.C. Code 9214, and a banquet hall is permissible under this classification. However, a restaurant was not a permitted use.

The property was developed accordingly with a building having a G.F.A. of 1081.45 m<sup>2</sup> (11641.1 sq. ft.) with sixty (60) parking spaces and two (2) loading spaces at 3.7m x 9.0m x 4.3m.



• "M" District Study

The "M" District Study does not propose to add restaurants to the list of permissible uses within the established "M-12", "M-13", "M-14" and "M-15" (Prestige Industrial) Districts. It proposes to maintain restaurants within the "M-11" Districts only.

At its meeting of February 19, 1992, the Planning and Development Committee TABLED the "M" District review for a further public information meeting, and this meeting was held on May 20, 1992.

**LOT SIZE AND AREA:**

- 38.11 m (125.0 ft.) of lot frontage on Rymal Road;
- 91.44 m (300.0 ft.) of lot depth; and,
- 3484.84 m<sup>2</sup> (37,500 sq.ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Banquet Hall	"M-12" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Townhouses	"R-4" (Small Lot Singles Family Detached) District, Modified.
to the south	Industrial	"M-15" (Prestige Industrial) District
to the east	Mini Storage	"M-12" (Prestige Industrial) District
to the west	TransCanada Pipeline Facility and Industrial	"M-12" (Prestige Industrial) District

**OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" and "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:



- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

- A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- A.2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy 2.3.1 (ii) will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan.
- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3."

Policy A.2.3.1 ii) permits business enterprises such as restaurants, which are intended to directly serve the Industries and their personnel. Further Policy A.2.3.19 restricts uses permitted under A.2.3.1 ii) to areas abutting major roads. As the subject lands are located on Rymal Road, the proposal would not conflict with the intent of the Light Industrial category of the *INDUSTRIAL* designation.

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "RESTRICTED INDUSTRIAL COMMERCIAL" in the Mountain-Industrial Area Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL".

#### ***RESULTS OF CIRCULARIZATION:***

- The following Departments and Agency have no comments or objections:
  - TransCanada Pipelines;
  - Economic Development Department; and,
  - Hamilton Region Conservation Authority.



- The Real Estate Division, Property Department has advised that they object to the granting of this application for modification in zoning on the basis that it is not compatible with the M-12 zoning.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service these lands. Any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region's Roads Use By-Law.

We have also discussed this application with the City Traffic Department and they advised that they cannot support the application since well over 100 parking spaces are required and the applicant has only provided for 60 spaces. Our concern is that the parking will overflow onto Rymal Road which is an arterial roadway and will likely result in an increase of collisions, traffic congestion, delay to traffic and reduced sight distances for motorists entering Rymal Road etc. We concur with the comments of the Traffic Department.

Any change in access or new access to Rymal Road, requires an Approach Approval from the City Traffic Department."

- The Traffic Department advised that they have reviewed the application and have the following comments:

"This site was previously the subject of DA-90-38 which was circulated for comment in mid 1990. At that time, we were informed that the intended use of the building was for a catering centre only. We expressed the concern that, if any portion of the building were to be used for a banquet there may be insufficient parking being provided. We understand that the development application was approved with a total provision of 60 parking spaces.

We have now come to understand that a banquet hall is, in fact, an allowed use within this current zoning. We further understand that according to our Building Department, the occupancy of the building could exceed the previous estimate of the applicant and that the potential parking shortfall on the site is more than we estimated in our previous letter.

While all of this information seems to confirm our original position of non-support for this proposal, it appears that it may be too late to do anything about it. We understand that the entire existing building can be used, subject to the Zoning By-law parking provisions, for a banquet hall. We also understand that it is unlikely that the City would be made aware of a violation in the required parking provision. It, therefore, appears to be somewhat irrelevant if the occupancy of the building is split between banquet and restaurant use or if it is used solely for banquets in that the parking shortfalls will be similar in either case.

As a result, while we do not support the existing uses which are allowed on this site, the proposal will not make the situation worse. Therefore, with respect to this specific application, we have no comment."



- The Building Department has reviewed revised floor plans, and further to their comments of November 21, 1991, has forwarded the following comment:

" First, the banquet hall shown on the this plan (April 22,1992) is 72 s.f. larger than the previous layout. Secondly, the restaurant is now 386 s.f. smaller then the previous layout.

The restaurant is capable of a maximum capacity of 121 persons which requires 21 cars.

The banquet hall is capable of holding the following capacities for the following uses:

- a) Non-fixed seats: (film night, union meeting, public speaker etc.)  
548 persons requiring 92 cars
- b) Non-fixed seats & tables: (bingo euchre or bridge club)  
431 persons requiring 71 cars
- c) Dining area: (banquets, weddings, etc.)  
348 persons requires 57 cars

Therefore, the maximum parking condition would be  $(92 + 21)$  113 cars required. As I stated before, the owner can limit the capacities to whatever he wishes. However, the parking must be provided for the number of persons the building is capable of holding."

The following are the previous comments made by the Building Department with respect to the original floor plans submitted with the application:

"The use is not permitted in the M-12 zone, and the revised plans show a larger hall area with some of the facilities placed in the basement. The stage area and dance floor area are not deductible as usable G.F.A. The stage is removable and tables and chairs can be and will be placed on the dance floor area.

The Banquet Hall capacity is:

- a) non-fixed seats (film night, speaker etc.)  $540 \div 6 = 90$  cars
- b) non-fixed seats & tables (bingo etc.)  $423 \div 6 = 71$  cars
- c) banquets (food, alcohol etc.)  $335 \div 6 = 56$  cars

The Restaurant capacity is  $151 \text{ persons} \div 6 = 26$  cars

Therefore, the maximum condition is  $90 + 26 = 116$  cars required for both the hall and restaurant.

Although the operator may not put the maximum number of persons in either the hall or the restaurant, they must provide the maximum number of cars which is required for the legal number of persons they could accommodate."



**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mountain Industrial Area Plan. Approval of the application would require a redesignation from "RESTRICTED INDUSTRIAL-COMMERCIAL" to "RESTRICTED COMMERCIAL".
3. Subsequent to the April 8, 1992 meeting of the Planning and Development Committee, the applicant met with the Ward Alderman and Planning Department staff to review the parking issue. The applicant then submitted a revised floor plan for the proposed development in attempt to reduce the required number of parking spaces. The revised floor plan illustrates a restaurant having a seating capacity for 86 persons, whereas the previously proposed seating capacity was for 100 persons.

However, as noted in the Building Department comments, the revised floor plan does not significantly reduce the required number of parking spaces (i.e., one parking space per six persons lawfully accommodated). The Building Department has also advised that, regardless of what is stated or requested with respect to seating, capacity is based upon gross floor area available per person. Thus, the area previously designated for the restaurant was capable of seating 151 persons, whereas the revised floor plan for the restaurant is now only capable of seating 121 persons. It has also been noted that due to the rearrangement of interior walls, in an attempt to reduce the floor area designated for the restaurant, the banquet hall floor area has been increased. Thus, the net result for the overall development is a reduction of three (3) spaces, from 116 to 113 parking spaces required.

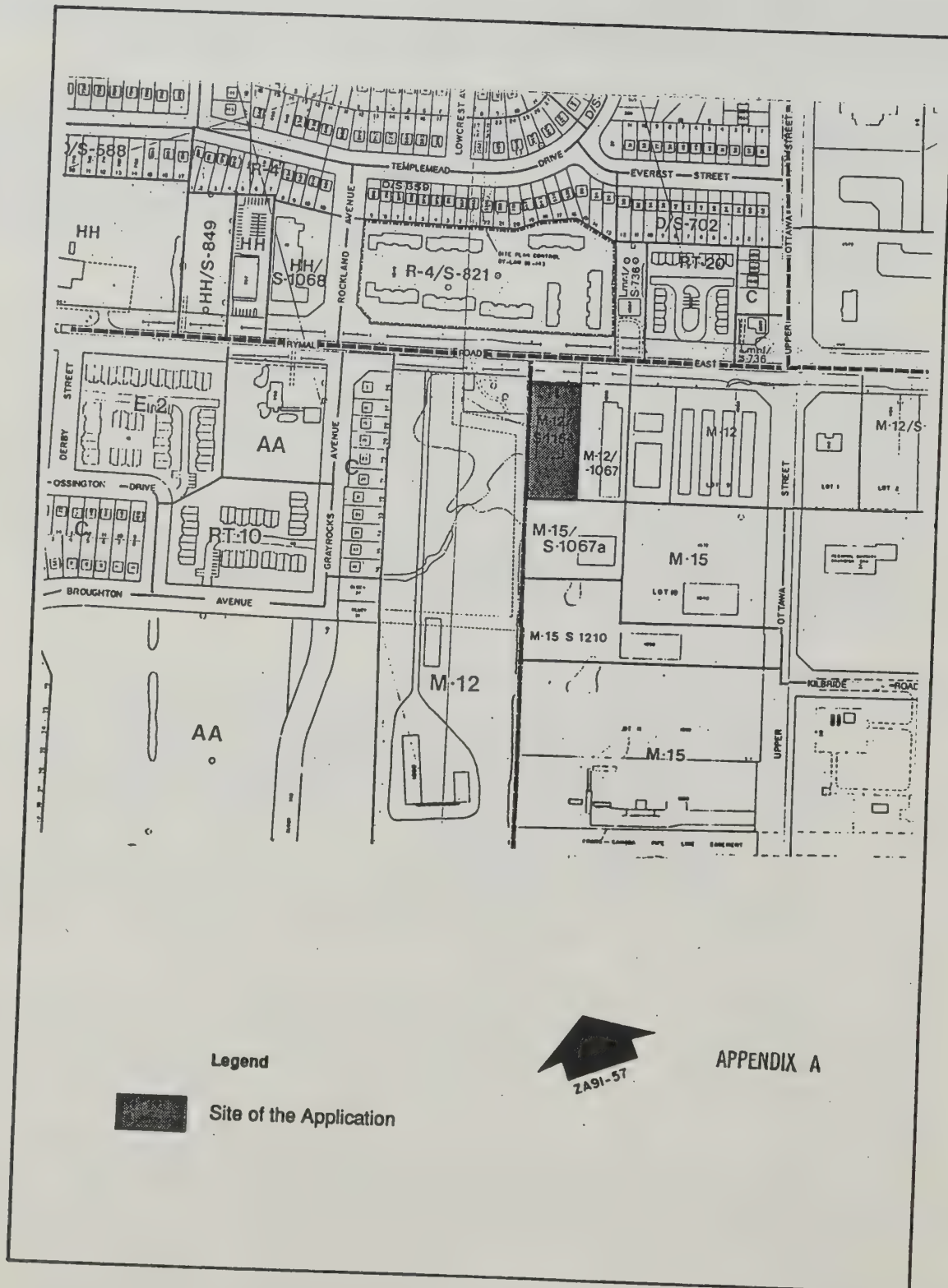
Accordingly, the proposal cannot be supported for the following reasons:

- a) it conflicts with the intent of the "M" District Review, in that restaurants would only be permitted in the "M-11" District. In this regard, approval of the application would be premature pending the completion of the study;
- b) it represents an over intensification of land use in that one hundred thirteen (113) parking spaces are required, however only sixty (60) parking spaces can be provided on site. In this regard, approval of the application would result in an overflow onto surrounding properties and Rymal Road;
- c) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-Law, in that the "M-12" District is primarily intended for wholesale establishments, given the need for higher exposure and direct access to the highway network; and,
- d) there appears to be an adequate supply of appropriately zoned lands ("M-11" District to the northeast and "HH" District to the northwest of the subject property) in the Mountain Industrial Area where the proposed use could appropriately be located.

**CONCLUSION:**

Based on the foregoing, the proposal cannot be supported.







"Copy sent to P. Noé Johnson, City Solicitor; V. Abraham, Director of Local Planning; M. Main, Director of Traffic Services and Alderman D. Drury - 1992 June 16th".



## TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.  
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

2A-91-57  
8a)

JUN 15 1992

June 5, 1992

Secretary  
Planning and Development Committee  
City Hall  
Hamilton, Ontario L8N 3T4

Dear Sir/Madam:

**Re: Application By: Peter Georgakopoulos**  
**Location: 1050 Rymal Road**  
**Planning Department File: ZA-91-57**

On June 1, 1992 we received your notice dated May 29, 1992 informing us of the public meeting to discuss the above application.

This application pertains to land which is located over 200 metres away from the pipeline, therefore we have no objections or comments with regards to this application.

Thank you for keeping us informed of development near our pipeline facilities.

Yours truly,

A handwritten signature in cursive script, appearing to read "Janice Lattin".

Janice Lattin  
Technical Assistant  
Right-of-Way

cc: Fraser Mowat







9.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** June 8, 1992  
ZA-92-13  
Rolston Neighbourhood

**JUN 16 1992**

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in Zoning - No. 257 Mohawk  
Road West.

**RECOMMENDATION:**

A. That approval be given to Zoning Application 92-13, Hillcrest Masonic Temple Corporation (Kenneth Schweitzer, President), owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for a lodge (masonic temple) only within the existing building, for the property located at 257 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1. That notwithstanding Section 9(1) of Zoning By-law No. 6593, a lodge (masonic temple) shall be permitted only within the existing building;
2. That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of forty-one (41) parking spaces shall be provided and maintained on the subject lands;
3. That notwithstanding Section 18A(26), of Zoning By-law No. 6593, the access/egress driveway along the westerly property line shall be located not less than 1.5 m minimum from the common boundary with the residential district;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9 for presentation to City Council;

vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-223, be amended by adding the subject Lands to Schedule "A".



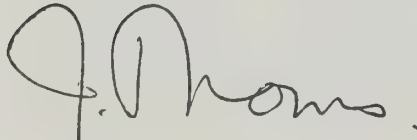
**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a modification in zoning to the "C" (Urban Protected Residential, etc.) District, for the property located at 257 Mohawk Road West, as shown on the attached map.

The effect of the by-law is to permit a lodge (masonic temple) only within the existing building.

In addition, the By-law provides for the following variances as special requirements:

- Permits forty-one (41) parking whereas forty-eight (48) are required;
- Permits the boundary of the existing access/egress driveway, along the westerly property line, to be located 1.5 m minimum from the common boundary with the residential district whereas 3.0 m distance separation is required.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant has applied for a modification in zoning to the "C" (Urban Protected Residential, etc.) District, to permit a lodge (masonic temple) only within the existing building. The property and existing building was previously used as a "Citadel" for the Salvation Army, but has been vacant for some time.

**LOT SIZE AND AREA:**

- 126.61 m (415.387 ft.) of lot frontage on Mohawk Road West;
- 255.75 m max. (839.0 ft.) of lot depth; and,
- 7846.77 m<sup>2</sup> (25,744.0 sq.ft.) of lot area.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Salvation Army Citadel	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Park and Residential - Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Residential - Single-Family Dwelling	"C" (Urban Protected Residential, etc.) District
to the east	Church - Kingdom Hall of Jehovah's Witnesses, and Residential - Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Commercial - chiropractic office and Residential - Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District - modified, and "C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as **RESIDENTIAL** will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated **RESIDENTIAL**, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;"

In addition the policies from Subsection A.2.6 - Major Institutional Uses should be noted:

- "A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as **MAJOR INSTITUTIONAL**, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3.



Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1. (O.P.A. No. 27)

#### A.2.6.2

MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,
- iii) Adequate provision has been made for access by the physically disabled and senior citizens.

#### A.2.6.3

All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable."

The proposal complies with the intent of the Official Plan providing policies A.2.6.1, A.2.6.2 and A.2.6.3 are satisfied.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "CIVIC and INSTITUTIONAL" on the approved Rolston Neighbourhood Plan. The proposal complies with the intent of the Plan.

#### **RESULTS OF CIRCULARIZATION:**

- The following Agency and Departments have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. There are no road allowance widenings anticipated at this time.

Any works which may occur within the Mohawk Road road allowance, as widened, must conform to the Regional Roads Use By-Law.

The City Traffic Department is to comment on access location and design."



• The Traffic Department has reviewed the application and has forwarded the following comment:

- "1. We recommend that the western most driveway operate in a one-way northbound only direction due to its narrow width of only 3.85 metres.
2. The applicant has indicated that there will be a requirement for truck maneuvering on this property. It would be advantageous if parking spaces Nos. 33, 34, and 38 exclusively, were removed to facilitate truck maneuvering.
3. The applicant has provided 44 parking spaces, 3 of which would require removal to facilitate truck movements. The Zoning By-Law requires that 48 parking spaces be provided. The Traffic Department would support a variance to allow the applicant to provide 41 parking spaces.
4. We suggest that parking spaces Nos. 24 and 25 be replaced by a landscape area, and the parking spaces relocated such that they would be adjacent to and parallel with parking space No. 26. This would facilitate the maneuvering of vehicles into these parking spaces. Parking spaces Nos. 1 to 23 should be shifted by 0.6 meters northerly to accomplish this alteration.
5. The eastern most driveway should be widened to 7.5 metres taken perpendicularly with the property line on the east side of the lot in order to improve vehicle access to the site
6. Parking spaces Nos. 43 and 44 should be re-aligned parallel to the north building face instead of as proposed to improve on-site traffic movement."

• The Building Department has reviewed the application and has forwarded the following comments:

- "1. The address of record is 257 Mohawk Road West.
2. Premises are currently zoned "C".
3. The applicant may wish to clarify the proposed use. A "temple" may be considered a church or other place of worship in which case the use is not restricted and no further comment need be made. The applicant may however wish to use the premises as a lodge or hall. The "C" district does not permit this use.
4. A private club is a public use and requires parking on the basis of one space for every six people lawfully accommodated....
5. A parking layout should be submitted to ensure compliance with all requirements of Section 18A of By-law 6593.



6. The plan submitted shows only the property as it existed in 1966. Additional comments may be necessary if the applicant intends to redevelop the site."

**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the approved Rolston Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - i) the proposed use is compatible with existing development in the area (ie., Church -Kingdom Hall of Jehovah's Witnesses, Commercial - Chiropractic Office, and Open Space - Park), and is similar to the use that was previously operating on the site (ie., Salvation Army Citadel);
  - ii) it is located on a major arterial road (ie., Mohawk Road West);
  - iii) the proposed use will be contained within the existing building which will maintain the character of the site, and recycle an otherwise vacant building.
4. Based on a preliminary site plan (Appendix "B"), approval of the application would require the following variances:
  - **Parking**  

Although, the applicant has shown forty-four (44) parking spaces to be provided on site whereas the by-law requires forty-eight (48), the Traffic Department has advised that in order to facilitate vehicular movement on-site, some minor modifications will be necessary to the site plan with respect to the parking layout and the minimum parking space length. Consequently, three (3) of the parking spaces will have to be eliminated, however the Traffic Department would support a variance to allow the applicant to provide forty-one (41) parking spaces on site.
  - **Access/Egress Driveway**  

The access/egress driveway, along the westerly property line, will be located 1.5 m minimum from the common boundary with the residential district, whereas 3.0 m distance separation is required. This is an existing situation and cannot be relocated due to the limited distance between the existing building and the westerly property line. It should also be noted the parking area for the adjacent chiropractic office immediately abuts this boundary line, thus a greater separation is not necessary, as this requirement is usually intended to mitigate potential negative spill over effects. In this situation the variance is considered to be minor in nature and can be supported.
5. Although the applicant intends to utilize the existing building, it will be necessary to alter the existing parking area and reduce the existing planting strips to achieve the layout shown on the preliminary site plan (Appendix "B").



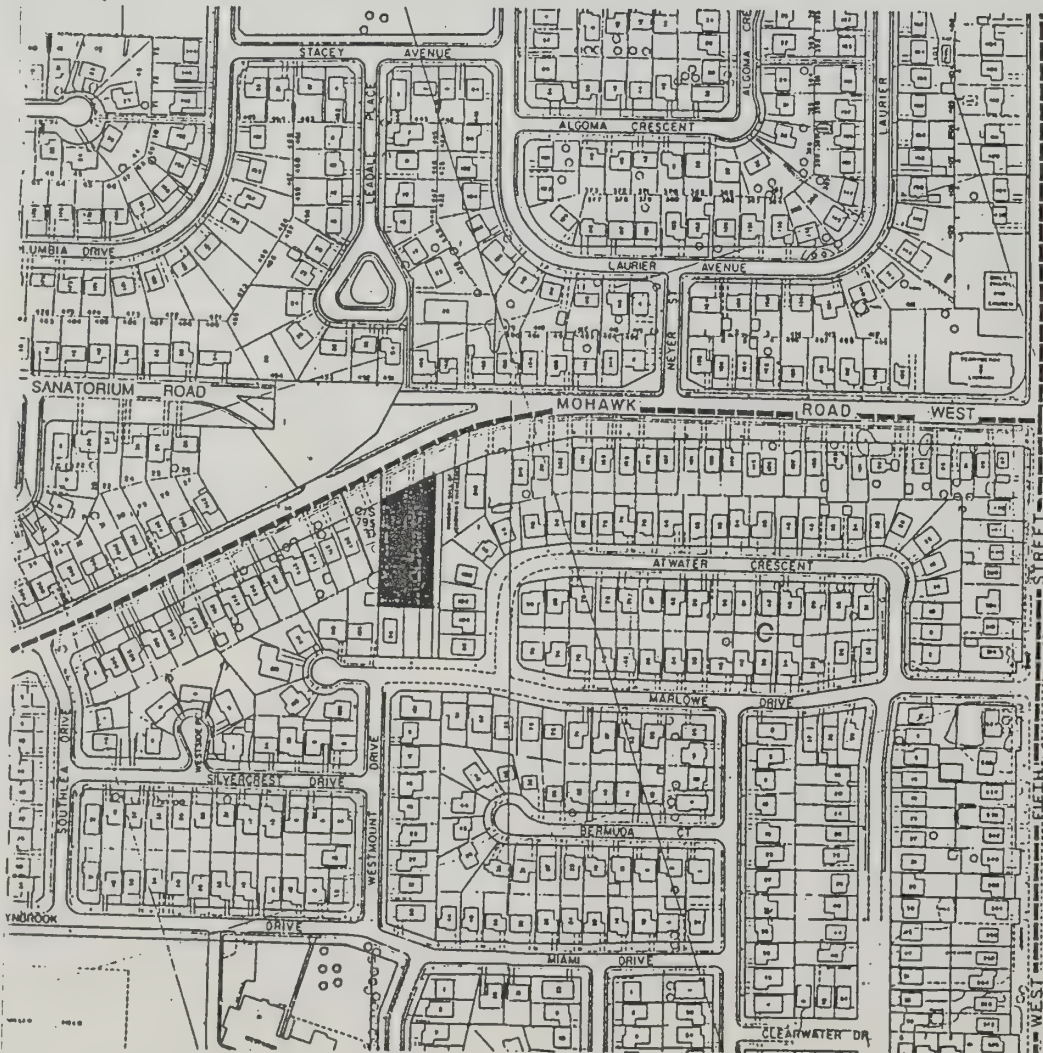
However, the lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-223. Thus, it would be prudent to place the lands under Site Plan Control so that concerns regarding the parking layout, grading, fencing and landscaping to effectively screen the development from adjacent residential uses can be satisfied. Furthermore the amending by-law should not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval by the Planning and Development Committee.

***CONCLUSION:***

Based on the foregoing, the proposal can be supported.

JL/ma  
ZA9213





Legend

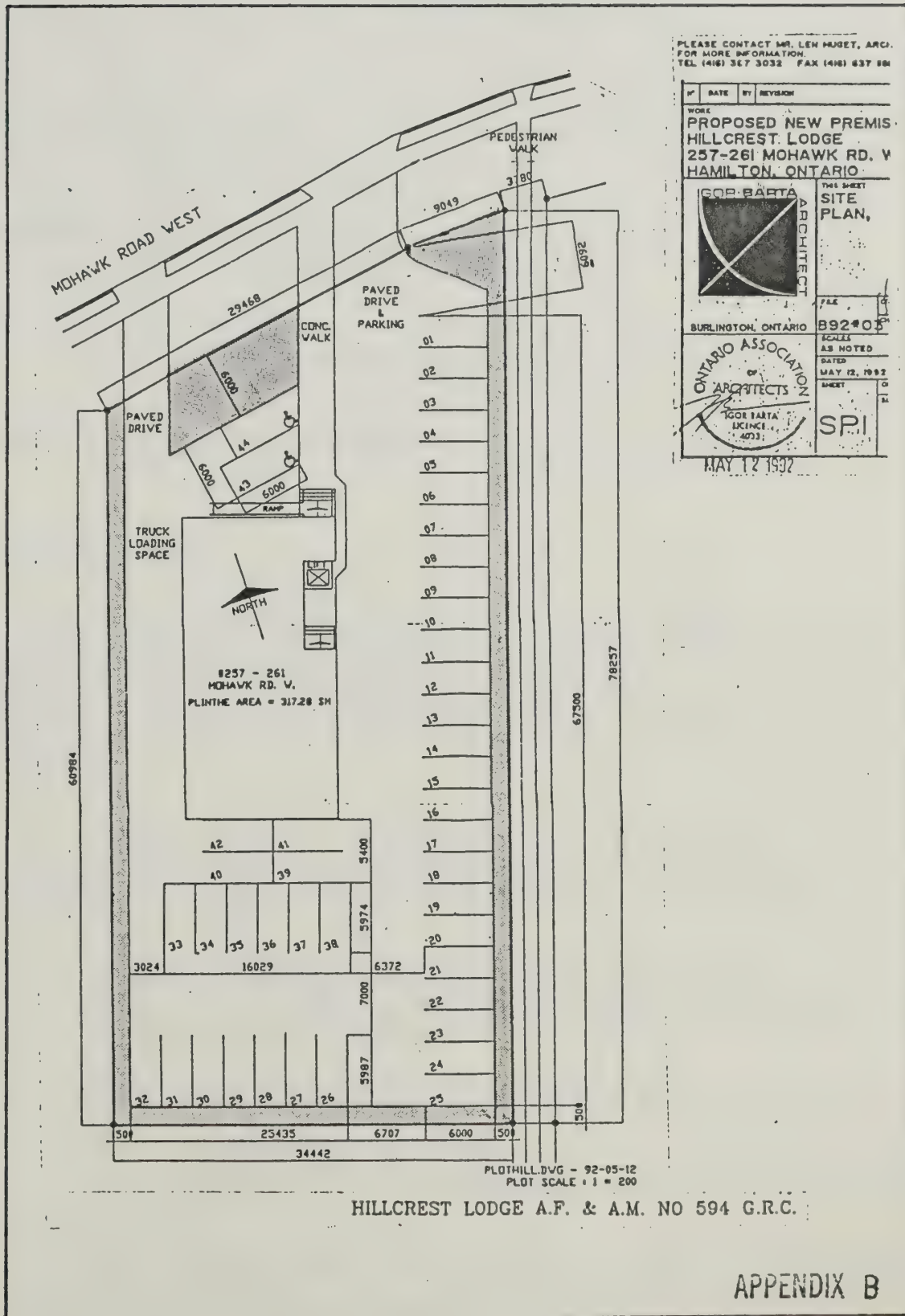


Site of the Application



APPENDIX A











**CITY OF HAMILTON**  
**- RECOMMENDATION -**

JUN 16 1992

**DATE:** 1992 June 11  
ZA-92-15  
Templemead Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in zoning 1489 to 1495 Upper  
Gage Avenue.

**RECOMMENDATION:**

That approval be given to amended Zoning Application ZA-92-15, 815488 Ontario Inc. (Nella Bradt), owner, requesting a further modification to the existing "DE-3" (Multiple Dwellings) District, to permit the development of the subject lands for four storey, 72 unit senior citizens multiple dwelling (retirement home with support services), for property located at 1489 to 1495 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "DE-3" (Multiple Dwellings) District regulations as set out under Section 10C of Zoning By-law No. 6593, as amended by By-law Nos. 87-118 and 90-71, applicable to the subject lands, be further modified to include the following variances as special requirements:
  - a) That notwithstanding Section 2(2)A(viii) and Section 10C(1)(vi) of Zoning By-law 6593, a senior citizens multiple dwelling with not more than 72 housekeeping dwelling units shall be permitted;
  - b) That notwithstanding Section 10C(1) of Zoning By-law 6593;
    - 1) a central kitchen, a common dining room and lounge area shall be permitted only in conjunction with a senior citizens multiple dwelling; and,
    - 2) an indoor amenity area of not less than 140 m<sup>2</sup> shall be provided and maintained.



- c) That notwithstanding Table 1 of Section 18A, a minimum of 40 parking spaces shall be provided and maintained for a senior citizens multiple dwelling not containing more than 72 housekeeping dwelling units; and,
  - d) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1009b, and that the subject lands on Zoning District Map E-49D be notated S-1009b;
  - iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593, as amended by By-law Nos. 87-118 and 90-71, and Zoning District Map E-49D for presentation to City Council; and,
  - iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

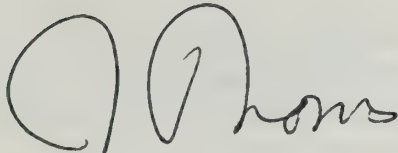
#### ***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for further modifications to the "DE-3" (Multiple Dwellings) District regulations for land at 1489 to 1495 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

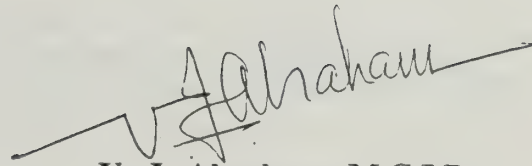
The effect of the by-law is to permit the development of a four storey, 72 unit senior citizens multiple dwelling (retirement home with support services). In addition, the By-law provides for the following modifications as special requirements:

- to permit a senior citizen multiple dwelling (retirement home) with not more than 72 housekeeping dwelling units, provided that all residents are at least 60 years of age or older;
- to permit a central kitchen, a common dining room and lounge area in conjunction with a senior citizens multiple dwelling;
- to require an indoor amenity area of not less than 140 m<sup>2</sup> to be provided and maintained; and,
- to permit a minimum of 40 parking spaces for the senior citizens multiple dwelling (retirement home), whereas 90 are required.





**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is proposing to further modify the existing "DE-3" (Multiple Dwellings) District to provide for the development of the subject lands a 4 storey, 72 unit senior citizens multiple dwelling (retirement home with support services) including facilities for a central kitchen, common dining and lounge area with 40 parking spaces. Each unit will contain a separate 3 piece bathroom and bedroom/livingroom with an alcove for culinary purposes (with floor mounted fridge, a bar sink with hot and cold water and wall mounted cupboard and with microwave oven).

- By-law No. 87-118

On April 28, 1987, City Council passed By-law No. 87-118 which had the effect of rezoning the subject lands from "AA" (Agricultural) District (easterly third of the block) and "C" (Urban Protected Residential, etc.) District (westerly two thirds adjacent to Upper Gage Avenue) to "DE-3"-H (Multiple Dwellings - Holding) District. The by-law established a holding provision (in accordance with the Planning Act) on the subject lands which prohibited development until municipal sewers were installed. Removal of the holding provision was conditional on installation of municipal sewers and the passage of an amending By-law by Council to remove the H symbol. This would give effect of the "DE-3" (Multiple Dwellings) District provisions which was to permit the development of the subject lands for a 4 storey, 32 unit apartment building.

- By-law No. 90-071

On March 13, 1990, City Council passed By-law No. 90-071. The purpose of this By-law was to remove the 'H' holding symbol from the subject lands as established by By-law No. 87-118. Municipal sewers were available to service the subject lands and subsequently the 'H' holding provision could be removed by by-law.



• Site Plan Application DA-90-33

Site Plan Application DA-90-33 for the subject lands was approved on July 24, 1990 for a four storey 32 unit apartment building with 50 parking spaces, subject to a number of conditions including various road dedications, removal of a 1 foot reserve and modifications to the plans. To date these conditions have not been fulfilled.

**APPLICANT:**

815488 Ontario Inc. (Nella Bradt)

**LOT SIZE AND AREA:**

The subject lands have:

- a lot width of 51.39 m (168.6 feet);
- a lot depth of 58.4 m (181.6 feet); and,
- a lot area of 3 444 m<sup>2</sup> (37,082 square feet).

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single family dwelling and vacant	"DE-3" (Multiple Dwellings) District modified
<u>Surrounding Lands</u>		
to the north	townhouses	"RT-10" (Townhouse) District modified
to the south	street townhouses	"RT-30" (Street Townhouse) District
to the east	street townhouses	"RT-30" (Street Townhouse) District
to the west	single family dwellings	"C" (Urban Protected Residential, etc.) District



**OFFICIAL PLAN:**

The subject lands are designated *Residential* on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
  
- A.2.1.8        It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
  
- A.2.1.13       Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
  
- A.2.1.14       In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
  - i)        The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii)       Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
  
- C.7.1          In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
  - i)        Provision and maintenance of adequate off-street parking;
  - ii)       Alteration of traffic flows;
  - iii)      Improvement and maintenance of street landscaping;
  - viii)     Other similar actions or matters as Council may deem appropriate.



- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
  - v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;"

The proposal complies with the intent of the Official Plan, provided policies A.2.1.14, C.7.1, C.7.2 and C.7.3 are satisfied.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Low Density Apartments" in the approved Templemead Neighbourhood Plan. The proposal does not conflict with the intent of the approved Neighbourhood Plan.

#### ***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority advises they have no objection.
- The Traffic Department advises:

"Based on the representation made in these submissions, it would appear reasonable that the car ownership/parking requirement for residents of this building will be less than those expected in a more "typical" apartment proposal. As a result, we would be prepared to support the application as submitted, i.e. a maximum of 72 units providing a minimum of 40 parking spaces. We assume that the implementing by-law will attempt to define the use to correspond with the applicants' submissions."



• The Hamilton-Wentworth Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Gage Avenue is 36.58m. In accordance with this designation, we recommend that as a condition of development approval, that sufficient lands be dedicated to the Region to establish the property line 18.29m from the centreline of construction on Upper Gage as shown on Misc, Plan No. 831. In addition, we require that a 12.19m x 12.19m daylight triangle established at the widened limits of Upper Gage Avenue and Royal Vista Drive be dedicated to the Region. It appears from our records that Glen Giddy O.L.S. has prepared a draft reference plan outlining this road widening. All setbacks are to be taken from the widened street lines.

We also require, as a condition of development approval, that the one foot reserve on Royal Vista Drive shown as the westerly 58.40m of Part 2 on Reference Plan 62R9377 be lifted and all outstanding servicing costs be paid to the City/Region.

In the absence of any details shown, we advise that any works which may occur within the Upper Gage Avenue road allowance, as widened, the daylight triangle and the Royal Vista Drive road allowance must conform to the respective streets by-laws.

Access design is to be determined by the City of Hamilton Traffic Department. We require the establishment of 5m x 5m daylight visibility triangles between the access and the Royal Vista street line in which the maximum height of mature vegetation and other objects is not to exceed a height of 0.60m above the centreline elevations of Royal Vista Drive.

The applicant should be aware he will require an access permit prior to the construction of the access. We recommend that the subject lands be subject to site plan control, at which time we will provide detailed comments on grading, landscaping etc."

• The Building Department advises:

- "1. The statement made in Part 8 of the application in reference to Section 2.(2)A.(ix)(b) is not applicable in that the floor plans submitted do not indicate housekeeping units. Housekeeping dwelling units are permitted only in converted dwellings. In addition, the statement made in Part 8 of the application with reference to a maximum of 100 dwelling units etc. is not applicable in that the plans submitted do not indicate any dwelling units. The building therefore cannot be referred to as a multiple dwelling..."



The Building Department further advises that:

"Only 'Class A dwelling units' are permitted in 'multiple dwellings' as defined." and that appropriate wording would be:

"That notwithstanding Section 2(2)A(viii) and Section 10C(1)(vi) of Zoning By-law No. 6593, a senior citizens multiple dwelling with not more than 72 housekeeping dwelling units..."

- The Social Services Department advises:

"The applicant for the above modification is not known to our Department. This location for a retirement home appears satisfactory because of access to public transportation. We are not aware of the need for this facility, however, since there are many vacancies in existing similar facilities in the Region, at present."

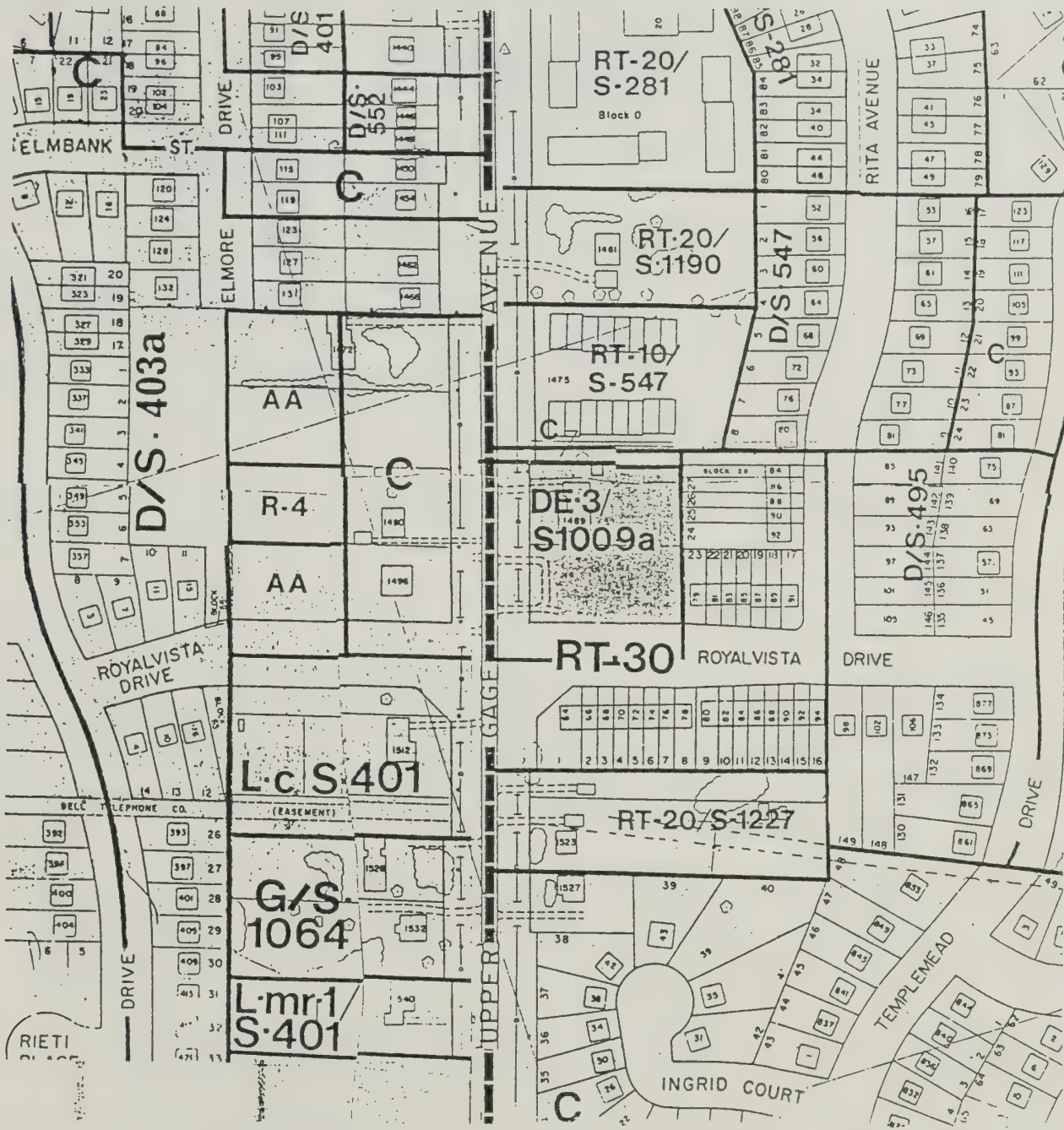
#### **COMMENTS:**

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Templemead Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - it would be compatible with existing and planned development in the surrounding area;
  - it is suitably located on a major road with public transit available, and planned commercial development within walking distance;
  - it provides an alternative lifestyle opportunity in housing for senior citizens; and,
  - it does not affect the height, bulk and gross floor area of the building proposed in the approved site plan.
4. The various road dedications and the removal of the 1 foot reserve from Royal Vista Drive noted in the Roads Department's comments and other matters (i.e. screening, landscaping, grading, etc.) will be addressed under site plan approval.

#### **CONCLUSION:**

Based on the foregoing, the amended application can be supported.





## Legend



Site of the Application



ZA-92-15





1  
2  
3



4  
5  
6





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

JUN 16 1992

**DATE:** 1992 June 12  
ZA-92-12  
Central Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in zoning - 25 Hess Street  
South

**RECOMMENDATION:**

That approval be given to amended Zoning Application 92-12, Ivory's, owner, requesting a further modification to the existing "E-3" (High Density Multiple Dwellings) District to permit a second floor addition to the rear of the existing restaurant and a second level outdoor patio addition to the front of the existing building for property located at 25 Hess Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "E-3" (High Density Multiple Dwellings) District regulations, as set out under Section 11C of Zoning By-law No. 6593, as amended by By-law No. 73-115, applicable to the subject lands, be further modified to include the following variances as special requirements:
  - a) That notwithstanding By-law No. 73-115 and Section 11C(4) of Zoning By-law No. 6593, the following shall be permitted:
    - 1) a maximum 53.4 m<sup>2</sup> rear addition on the second floor to the existing restaurant;
  - b) That notwithstanding Section 18(11) of Zoning By-law 6593, an outdoor patio deck addition on the second floor to the front of the existing building shall be permitted.
  - c) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be permitted:
    - 1) no northerly side yard;



- 2) a southerly side yard of 0.97 m (3.2 feet) for the existing 2 1/2 storey building and 0.67 m (2.19 feet) for the two storey rear addition; and,
- 3) a front yard of 0.49 m ( 1.61 feet) for the second floor deck addition.
- d) Section 11C(5) of Zoning By-law No. 6593 shall not apply.
- e) That notwithstanding Section 18(4)(iv) of Zoning By-law No. 6593, an accessory structure shall be permitted in the southerly side yard of the 2 1/2 storey buildings with a setback of 0.13 m (0.43 feet) from the southerly lot line;
- f) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-262b, and that the subject lands on Zoning District Map W-4 be notated S-262b;
- g) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law NO. 6593 and Zoning District Map W-4 for presentation to City Council; and,
- h) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for further modifications to the existing "E-3" (High Density Multiple Dwellings) District for property located at 25 Hess Street South, as shown on the attached map marked as APPENDIX "A".

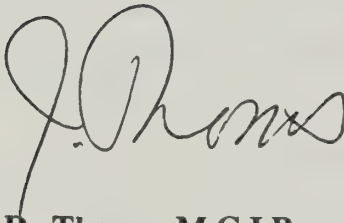
The effect of the by-law is to permit a second floor addition to the existing restaurant and a second floor outdoor patio deck to the front of the building. The by-law includes further modifications to the "E-3" (High Density Multiple Dwellings) District as follows:

- to permit a maximum 53.4 m<sup>2</sup> rear addition on the second floor to the existing restaurant;
- to permit an outdoor patio deck addition on the second floor to the front of the existing building;
- no landscaped area shall be provided, whereas 40% is required;
- no northerly side yards shall be provided, whereas 1.5 m (4.92 feet) are required;

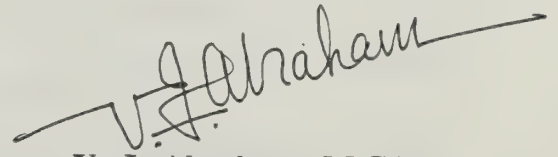


2 1/2 storey building and a minimum 0.67 m (2.19 feet) for the rear addition, whereas a minimum of 1.5 m (4.92 feet) is required;

- a minimum of 0.49 m (1.61 feet) front yard for the second floor deck addition shall be provided, whereas 2.0 m (6.56 feet) is required; and,
- to permit an accessory structure in the southerly side yard with a minimum 0.13 m (0.43 feet) setback from the southerly lot line, whereas an accessory structure is not permitted in the side yard.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant is proposing an expansion to the second floor of the existing building as well as a second floor patio additions at the front and rear of the building.

- Site Plan Application DA-91-64

In August, 1991 a Site Plan application was submitted to provide for the expansion of the existing restaurant including a second floor addition as well as second floor patios at the front and rear of the building. Given the extent of the proposed expansion (a second floor addition which will increase the gross floor area of the existing restaurant, and the addition of the two second floor patios), it was determined that a modification to the existing zoning was required.



- Committee of Adjustment Application A-85:69

On April 30, 1985, the Committee of Adjustment granted a variance on the subject lands to permit a one-storey (20' x 24') addition at the rear of the existing building to establish a restaurant use together with the existing dwelling unit notwithstanding that:

- northerly and southerly side yards were reduced;
- less than the required minimum 40% landscaped area to be provided;
- only 3 off-street parking spaces with reduced widths will be provided instead of the required 4 minimum spaces;
- the required manoeuvring space will not be provided; and,
- an addition to the building is not permitted.

- Committee of Adjustment Application A-81:220

On December 8, 1981, the Committee of Adjustment granted a number of variances for 25 Hess Street South as a result of a land severance. The approval recognized an existing situation whereby the northerly and southerly side yards were deficient, the lot area was less than required, the less than required 40% landscaping was recognized, and the existing gross floor area of the building was to be maintained.

***APPLICANT:***

IVORY'S,

***LOT SIZE AND AREA:***

The subject lands have:

- a lot width of 7.92 m (26 feet);
- a lot depth of 32.31 m (106.13 feet); and,
- a lot area of 252 m<sup>2</sup> (2,216 square feet).



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	restaurant	"E-3" (High Density Multiple Dwellings) District modified
<u>Surrounding Lands</u>		
to the north	commercial	"E-3" (High Density Multiple Dwellings) District modified
to the south	commercial	"E-3" (High Density Multiple Dwellings) District modified
to the west	commercial	"E-3" (High Density Multiple Dwellings) District modified
to the west	commercial	"E-3" (High Density Multiple Dwellings) District modified

**OFFICIAL PLAN:**

The subject lands are designated **Central Policy Area** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.



A.2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will:

- i) Promote, where feasible, innovative building and layout, as well as the rehabilitation and preservation of buildings and areas of historic and/or architectural merit;
- ii) Establish building envelopes consisting of setback, height and light angles adequate to ensure acceptable shadow cast to, and light access for, adjacent properties;
- v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures; and,

A.2.2.33 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

The proposal complies with the intent of the Official Plan provided policies A.2.2.33, A.2.2.36 and A.2.2.37 are satisfied.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Commercial & Apartments" in the approved Central Neighbourhood Plan. The proposal complies with the intent of the Plan.



## COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the City Clerk's Department (License Division) advises they have no objection.
- The Hamilton-Wentworth Roads Department advises:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records, the applicant has entered into a patio boulevard cafe agreement with the City of Hamilton on August 17, 1987 registered as Instrument No. 425908 C.D. Any works within the Hess Street South road allowance must conform to the City's Streets By-Law.

Comments from the City Traffic Department should be considered since it is unclear as to whether the existing parking behind the building will be maintained. The applicant should be advised that according to our records, the alley to the rear of the subject lands is private."

- The Building Department advises:

- "1. A commercial use of a restaurant is only permitted in the existing building. The second floor addition and the balconies to the front and rear are not permitted.
2. The lot does not provide any required landscaped area.
3. The proposed gross floor area exceeds the maximum 428.39m<sup>2</sup> permitted.
4. The existing 2 1/2 storey building does not provide the northerly and southerly side yards as approved by Committee of Adjustment application A-81:220.
5. The existing one storey rear addition does not provide the northerly side as approved by Committee of Adjustment application A-85:69.
6. The proposed second storey addition to the rear does not provide the required 1.5m side yard from the northerly and southerly lot lines.
7. The frame storage and metal shed buildings are not permitted in a side yard. Furthermore, these accessory buildings located on the right-of-way may contravene the agreement.
8. The proposed balcony to the front does not provide the minimum 2.0m front yard and 1.0m side yards.



9. The proposed balcony to the rear does not provide the minimum 1.0m side yards.
10. The outdoor patio is not permitted. The lot adjoins a residential district and the outdoor patios are located above the first floor.
11. The three (3) parking spaces do not provide the minimum width of at least 2.53m (8.33') as approved by the Committee of Adjustment application A-85:69.
12. Any proposed signs shall conform to By-Laws 73-115 and 87-28."

- The Traffic Department advises:

"The applicant previously received a variance to provide three parking spaces with reduced widths of 2.53 metres (8.33 feet) instead of the four required parking spaces with widths of 2.7 metres (8.86 feet). The requested modification to the zoning is a result of a proposed rear addition that will further reduce the widths of the three parking spaces to 2.4 metres (8 feet) with no on-site manoeuvring.

Drivers will be required to use the paved areas of the surrounding properties for manoeuvring. If and when the surrounding properties redevelop, the manoeuvring area will be limited to the 10 foot alley. Manoeuvring into and out of these substandard parking stall from a 10 foot alley will be extremely difficult.

While we do not support the reduction in the width of the parking spaces, we understand that this application will have only a relatively minor effect on an existing situation. We therefore have no direct comment in regard to the proposed zoning modification."

- The Heritage Planning advises:

"At its meeting of May 20, 1992, the Research Sub-committee [Local Architectural Conservation Advisory Authority] has the following comments on the front deck:

- the addition, as proposed, is out of character with the building and the streetscape
- the materials proposed (steel and aluminum), are inappropriate to the style and brick construction of the house
- The house might have had a front porch with balcony and, an appropriately designed porch might be acceptable.



The conclusion was that although the design is not satisfactory as proposed, that research of the original house (through archival photographs, for example) might present an acceptable alternative."

#### **COMMENTS:**

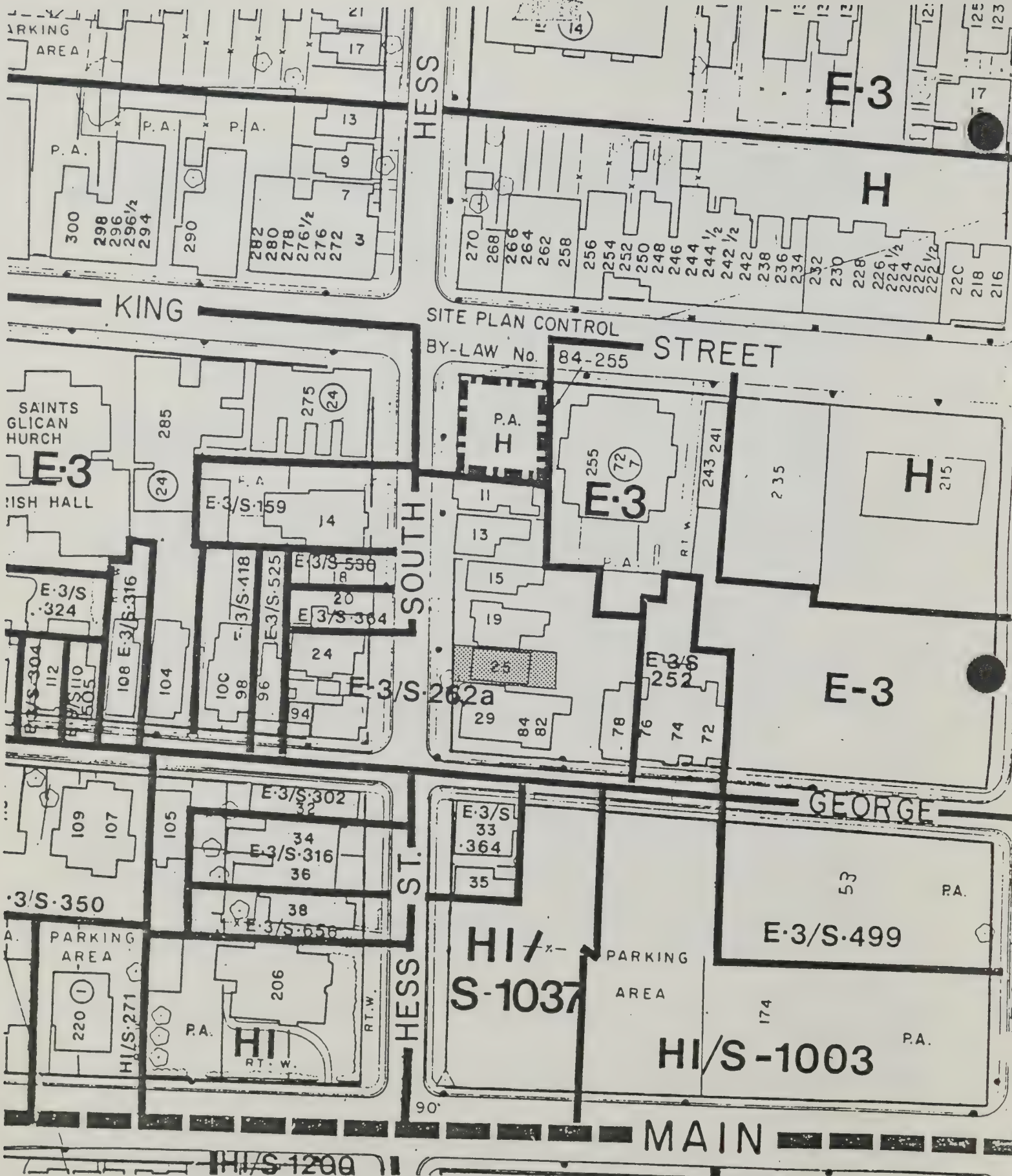
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Central Neighbourhood Plan.
3. On the basis of the above, an amended application to permit the second floor addition to the existing restaurant to the rear and the second floor patio to the front can be supported on the following basis:
  - the second storey addition to the rear would have a minimal impact as it would not extend beyond the first floor addition, and it would be consistent with the building line at 29 Hess Street South;
  - the second floor patio addition at the front will reinforce the ambience and pedestrian atmosphere created with the existing ground floor patios along this portion of Hess Street; and,
  - if sensitively designed, the second level patio has the potential of enhancing the historical character of the existing streetscape.
4. The Building Department identified a number of minor variances which would be required if the amended application is approved, including reductions to yards, landscape area, and an increase in permitted gross floor area, amongst others. These variances can be supported on the basis noted above. In addition, several have been recognized in previous Committee of Adjustment decisions.

#### **CONCLUSION:**

Based on the foregoing, the amended application can be supported.

CF/ma





Legend



Site of the Application

APPENDIX A





74 george street,  
hamilton, ontario,  
canada l8p 1c9  
tel: (416) 528-3395  
telex: 061-8486  
fax: (416) 528-4618

June 8, 1992

Re: ZA-92-12

Ivory's Restaurant  
25 Hess St. S.

Dear Sirs,

We are writing as owners of the building located at 74 George Street and operators of a business at the same location to request that any modification of the zoning to allow further expansion of exterior appendages to Ivory's Restaurant be refused.

There are several reasons, in our opinion:

- 1) Exterior patio/balcony additions to either and or front or back of the building will add to the too loud cacaphony of sound and music (?) that already plagues this area of Hess Village. (At the back now there is a loud malfunctioning exhaust fan, also extra noise, emitting from Ivory's.) Either raised patio front or back might be the source of hurled objects. Vandalism is not unknown in the Village...as our vandalized front door attests)
- 2) In spite of the space under the rear raised patio, an addition at the rear will put even more pressure on too few parking spaces. Patrons regularly park in areas allocated for residents and clog right-of-ways.
- 3) A further addition at the rear may augment further accumulation of refuse and garbage, both restaurant garbage and the litter that is on the roof of the brick addition. This refuse attracts vermin.
- 4) The proposed addition to the front of Ivory's is totally unsupportable for several reasons:
  - a) it will destroy or deeply injure existing mature trees
  - b) The proposed addition is unsuitable in architectural style to the existing building.
  - c) The front raised patio is not in keeping with the existing historic streetscape in the area.

Hess Village, even if it has not been a retail success, has at least brought admiration from visitors for its historic ambiance and good restaurants. We are not against restaurants, but we are against the destruction of a unique historic area, and the encouragement of further degradation of this srea to overimbibing and all that that brings with it.

We cannot support this request in any way.

A representative from our address hopes to come to the Public Meeting on the 24th, but in case a problem arises, we wanted to register our lack of support with this letter.

cc. LACAC  
Transport and Environment Comm  
Alderman V. Agro  
Alderman Wm. McCulloch

Thank you for your attention,  
Yours Sincerely

~~Jane and Paul Rigby~~

74 George Street (Designated building)

c. Tina Dagnello, Secretary  
Planning + Development Committee







12.

CITY OF HAMILTON

- RECOMMENDATION -

JUN 16 1992

**DATE:** 1992 June 12  
ZA-92-03  
Durand Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for rezoning - 212 James Street South

**RECOMMENDATION:**

That amended Zoning Application 92-03, Harper Brothers Holding, owner, requesting a change in zoning from "E-1" (Multiple Dwelling, Lodges, Clubs, etc.) District to "CR-3" (Commercial-Residential) District modified, to permit the redevelopment of subject lands for a 16 storey office building for property located at 212 James Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

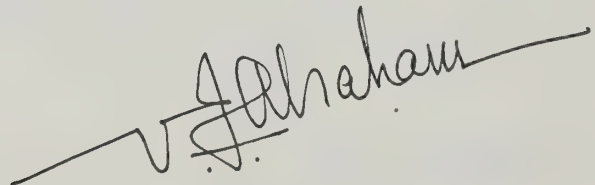
1. It does not comply with the policies of the approved Neighbourhood Plan which support the conservation of the existing heritage character of this part of James Street South;
2. It is an over intensification and is out of scale with existing development given:
  - i) the present "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District zoning would permit an a maximum 12 storey apartment building which is 4 stories less than what is being proposed and 3 storeys higher than the existing 13 storey apartment/office building to the north;



- ii) the existing zoning permits a maximum floor area ratio of 1.7 time coverage The application as submitted has a floor area ratio of approximately 8 times coverage; and,
  - iii) the bulk and scale are totally out of character and unsympathetic with existing development and with the pedestrian nature of James Street South.
3. It could set the stage for further similar applications which, if approved, could destroy the historic character of James Street South.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant is proposing to demolish the existing heritage building and replace it with a 16 storey office building with a total gross floor area of 7976.73 m<sup>2</sup> (85,864 square feet). Ninety-seven parking spaces are to be provided with 47 spaces located in five levels underground, and 50 spaces in a space saving mechanical structure. This structure stores the cars vertically and rotates in a circular fashion, similar to a ferris wheel.



***APPLICANT:***

Harper Brothers Holding.

***LOT SIZE AND AREA:***

The subject lands have:

- a lot width of 24.38 m (80 feet);
- a lot depth of 39.77 m (130.5 feet); and,
- a lot area of 969.88 m<sup>2</sup> (10,440 square feet).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	offices	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>Surrounding Lands</u>		
to the north	apartments and commercial	"CR-3" (Commercial-Residential) District modified
to the south	offices	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	commercial and offices	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District and "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified



to the west

apartments

"E-3" (High Density Multiple Dwellings) District and "E-3" (Multiple Dwellings, Lodges, Clubs, etc.) District modified

### ***OFFICIAL PLAN:***

The subject lands are designated Commercial on Schedule A - Land Use Concept of the Official Plan. The following Official Plan policies apply:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.33      COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- A.2.2.34      Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i)      Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
  - ii)      Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
  - iii)      Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.



- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses.

The subject lands are also situated in Special Policy Area Number 3. The intent of this Policy is to promote Residential development. Since the intended use of the lands is for commercial purposes, Special Policy Area #3 does not apply.

The proposed office use for the subject lands does not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Commercial and Apartments" in the approved Durand Neighbourhood Plan. The proposal does not comply with the policies of the approved Neighbourhood Plan which support the conservation of the existing heritage character of this part of James Street South. If this application is approved however, an amendment will not be required.

#### ***COMMENTS RECEIVED:***

- GO Transit advises they have no concerns with the proposal.
- The technical support staff of the Local Architectural Conservation Advisory Committee advises:

"In terms of the architectural/heritage value of the streetscape and neighbourhood, this change of zoning would be objectionable.



A change in zoning to permit the construction of a high-rise building would be detrimental to the historic character of James Street South, which is still largely composed of low-rise 19th century buildings.

In the early 1980's there was strong opposition to the demolition and rezoning of the adjacent 206 James Street South (a fine example of Second Empire Style, built 1883), from both LACAC and the Durand Neighbourhood Association.

The house at 212 James Street South (built 1882) has lost much of its original architectural integrity. More important than the preservation of this building is the prevention of the erosion of the overall streetscape. New infill should be compatible with existing scale and massing, and a change to "CR-3" zoning for 212 James South would not promote this objective."

- The Hamilton Region Conservation Authority advises:

"The planning staff of the Hamilton Region Conservation Authority have reviewed the above proposal and do not have any objection to same.

Authority staff would like to note that his proposed building will generate impacts on the local micro-climate and thus on pedestrian comfort. In light of the recent "Vision 2020" statement by the Region, it would be in the best interests of the Region and obviously the City of Hamilton to require at least a preliminary investigation into sun/shade patterns, snow deposition problems on streets, sidewalk, or on adjacent rooftops that may not have been designed for such snowloads, wind venturi effects (i.e. gusts), and the like. The Region's Urban Design Section would be able to confidently comment in this regard.



A cursory examination of the axonometric drawings of the building also brings to mind a potential concern with visual "fit" into the existing urban fabric of this Downtown area as well as a lack of concern for pedestrian scale."

- The Building Department advises:

- "1. The maximum height is 24 storeys or 77.0m in height.
2. The height of the building or structure shall not provide an average angle of light obstruction that is greater than 75° from the centre line of James Street South.
3. Every lot or tract of land in a "CR-3" district shall have an area of not less than 1,350m<sup>2</sup>.
4. A minimum of 40% of the area of the lot must be landscaped.
5. A minimum of three (3) loading spaces are required to be provided each being 3.7m x 9.0m x 4.3m in size.
6. Any signs to be proposed shall conform with Section 15B(5) of By-Law 6593.
7. The owner to provide proof of ownership of the right-of-way at rear of lands."

- The Hamilton-Wentworth Roads Department advises:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The designated road allowance width of James Street is generally 20.12m. Section 9.2 of the Regions Official Plan states that it shall be the policy of Regional Council to make improvements in the road system over the planning period. To overcome existing and forecasted deficiencies in the arterial road network, such improvements will include additional north-south capacity leading to the existing access across the Niagara Escarpment. In accordance with this policy, we have prepared preliminary functional design plans for the roadway improvements on James Street approaching the Escarpment Accesses.



We require that a minimum 1.0m widening be dedicated to the Region as a condition of approval. We have also reviewed the site plans submitted and note that the applicant intends to construct a lay-by on James Street adjacent to the subject lands. In order to retain municipal sidewalks within the James Street road allowance, an additional minimum 3.048m is required for our roadway improvement and the lay-by construction and must be dedicated to the Region as a condition of development approval. Therefore the site plans must be amended and the building set back from the widened road allowance limits of James Street South. This includes all underground and overhead construction. We have met with Mr. Roscoe on April 7, 1992, and have discussed these matters with him.

Any works which may occur within the James Street road allowance as widened, must conform to the Region's Roads Use By-Law. Building encroachments into the road allowance are not permitted and as noted the lay-by construction requires appropriate agreements with the Region.

Comments from the Traffic Department with respect to access width and location, status of the right-of-way, and access from the right-of-way should be considered. We require more structural details on the access to James Street and they are to be included on the site plans.

According to our records the right-of-way to the rear of the subject lands is privately owned."

- The Traffic Department advises:

"The applicant has submitted a preliminary site plan that indicates that the access to the underground parking will be from James Street South. Vehicles will exit onto a private 12 foot right-of-way to the rear of the subject lands. A right-of-way agreement would be required with the adjacent property owners to ensure that vehicles can exit onto Charlton Avenue or Robinson Street. Each ramp to/from the underground parking area must be a minimum of 3 metres wide. The site plan indicates a 2.67 metre wide loading space at the rear of the building. The by-law requires loading spaces to be a minimum of 3.7 metres wide. It would be extremely difficult for trucks to access to loading space through this private right-of-way.



We met with the applicant's agent on 1992 April 07, and he advised that this development may incorporate a mechanical parking system. This type of parking system allows as many as 50 vehicles to be parked on only 46.45 square metres. Parking spaces are vertically rotated. While we generally support innovative methods to increase parking, we are concerned about the proposed location in that vehicles waiting to enter the system may cause congestion on either the adjacent roadways and/or the alley.

While we support the proposed commercial/residential mixed use of this property, we are concerned about the project detail and the proposed density of this particular application. The applicant is proposing to build a 16-storey office building on a 24 m x 36 m (78ft x 118 ft) lot. It will be difficult to provide adequate accesses, parking and loading facilities to support this development on this lot. Therefore, we request that this zoning application be held subject to site plan approval."

- At their meeting of May 8, 1992, the members of the Central Area Plan Implementation Committee discussed the subject application and made the following comments/concerns:
  - "
    - the historical importance of this building to James Street South and the City;
    - the proposed building being at too great a height and not compatible with the built form to the south;
    - the need for adequate on-site parking;
    - protecting views of the Escarpment and, in particular, the loss of such views if this building is constructed at the proposed height;
    - the concern that the demolition of this building and construction of a large office complex will set the stage for future applications of this nature on James Street South thereby destroying the historic character of the street (particularly in the area of Charlton Avenue and James Street South)."



• Recommendations of the Research Sub-Committee of LACAC:

"Architectural/Historical Value

The house at 212 James Street South was built in 1882 for barrister John White. Five years later it was sold to Charles Doolittle, a director of the Hamilton Steel and Iron Company, and was owned by his family until 1930. Designed in the Second Empire Style, the house features a decorative slate-covered mansard roof with a gabled dormer, arched windows with stone caps (south facade and front dormer) and stone quoining. Later alterations include the projecting two-storey addition on the north side with detailing similar to that of the original house, the upper storey windows and the remodelling of the lower storey for commercial use. The original house was one of a number of Second Empire style houses in the City, and among several fine examples in the James South area, which included the adjacent residence at 206 James Street South and the one directly to its north at #200 (both demolished) as well as the house at 250 James Street South. Both #206 and #250 are known to have been designed by the noted Hamilton architect James Balfour. Despite major alterations to the ground floor of #212, the house is still a good example of this style, and one of relatively few surviving examples in the City.

200 James Street South was demolished in 1978 for a high-rise apartment building with commercial offices on the first three floors; #206 was demolished in 1983 for the construction of a mirror-image tower. With the loss of both these houses, the one at 212 James Street South now marks the dividing line between the modern office buildings directly to the north and the historic neighbourhood to the south. As stated by Nina Chapple in her research report on 206 James Street South: "Because these large Victorian dwellings lend themselves easily to commercial or multiple unit conversion, this area has been able to maintain both a genuine historic character and a continuous economic viability. Demolition of any of these older buildings on James Street South should be reviewed not only in terms of the loss of the individual buildings but also in the context of the detrimental effect such a loss would have on the James Street South streetscape as a whole."



### Heritage Status

212 James Street South is currently listed on the City's Inventory of Buildings of Architectural and/or Historical Value. LACAC's Research Sub-Committee at its meeting held April 29, evaluated the building and agreed that the house would be eligible for designation under the Ontario Heritage Act, either individually (under Part IV of the Act) or as part of a heritage conservation district (under Part V).

### Potential James South Heritage Conservation District

The Research Sub-Committee further agreed that the best strategy for LACAC to pursue with respect to the preservation of the James South historic streetscape as a whole would be to investigate the possibility of a heritage conservation district. This could begin with a re-examination of the boundaries of the potential heritage conservation district identified in the 1982 report: "Potential Heritage Conservation District in the City of Hamilton", which was restricted to the area south of Forest Avenue (see attached map). There are already seven individually designated buildings on James Street South, including the 1850's stone terrace, and several more nearby. Moreover, the three in the block between Herkimer Street and Markland Street (#252, #262 and #268) are adjacent to the proposed Durand-Markland Heritage Conservation District, which is currently under study (see attached map)." (see APPENDIX "B")

### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the policies of the approved Durand Neighbourhood Plan which support the conservation of the existing heritage character of this part of James Street South. Approval of this application will not require an amendment to the Neighbourhood Plan.



3. The concept of permitting office uses in other than the existing building in this location can be supported given:
  - its location within the Central Area where such uses are encouraged;
  - its proximity to the future GO Transit terminus at the former TH & B station;
  - its location on a major arterial road (James Street South) with existing public transit available; and,
  - it will complement the existing concentration of office uses in close proximity to a major hospital and the downtown.
4. In assessing the merits of this application a major concern was its "fit" into the area. In this regard, the subject lands offer an opportunity to establish a transition between the existing modern 13 storey building to the north and historic building to the south (224 James Street South). Redevelopment of the subject lands should be sensitive to these buildings and the surrounding area in term of: height, scale, bulk and setbacks.
5. This proposal for a 16 storey office building of approximately 7976 m<sup>2</sup> cannot be supported as submitted for the following reasons:
  - it does not comply with the policies of the approved Neighbourhood Plan which support the conservation of the existing heritage character of this part of James Street South;
  - it is an over intensification in use for the following reasons:
    - the lands are presently zoned "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District which permits an apartment building to a maximum height of 12 stories, 4 stories less than what is being proposed and 3 storeys higher than the existing 13 storey apartment/office building to the north;
    - the existing zoning permits a maximum floor area ratio of 1.7 time coverage (1648.8 m<sup>2</sup> or 17,748 square feet). The application as submitted has a floor area ratio of approximately 8 times coverage; and,



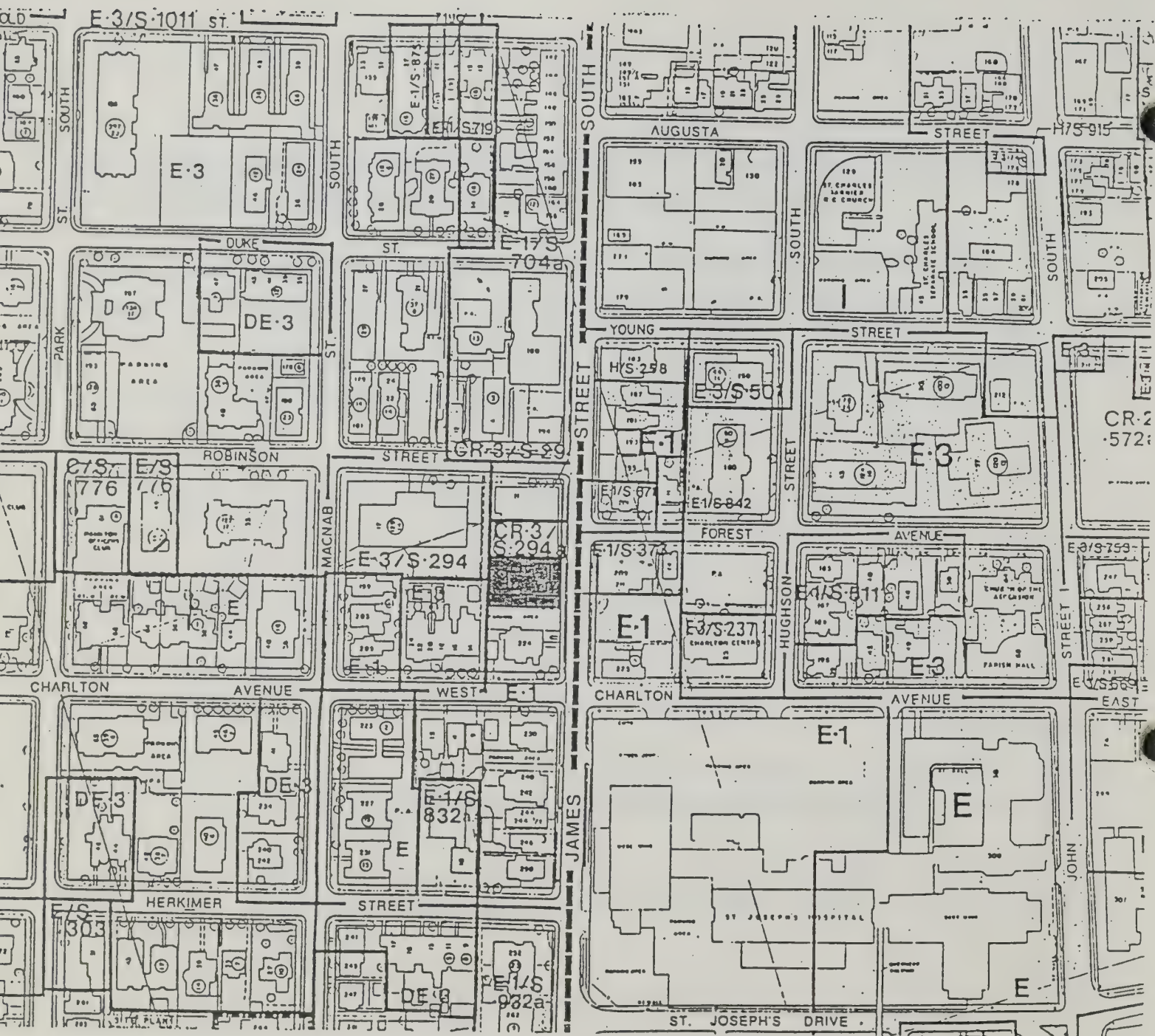
- the bulk and scale are totally out of character and unsympathetic with existing development and with the pedestrian nature of James Street South.
- it will have a negative impact on the residents in the adjacent apartment building to the north. Residents on the south side will face directly into the proposed building;
- it will further reduce views of the Niagara Escarpment from locations in the City north of the subject lands;
- the demolition of the existing historic building will have a negative impact on the existing character of James Street South; and,
- it could set the stage for further similar applications which, if approved, could destroy the historic character of James Street South.

**CONCLUSION:**

Based on the foregoing, the amended application cannot be supported.

CF/ma





# APPENDIX A

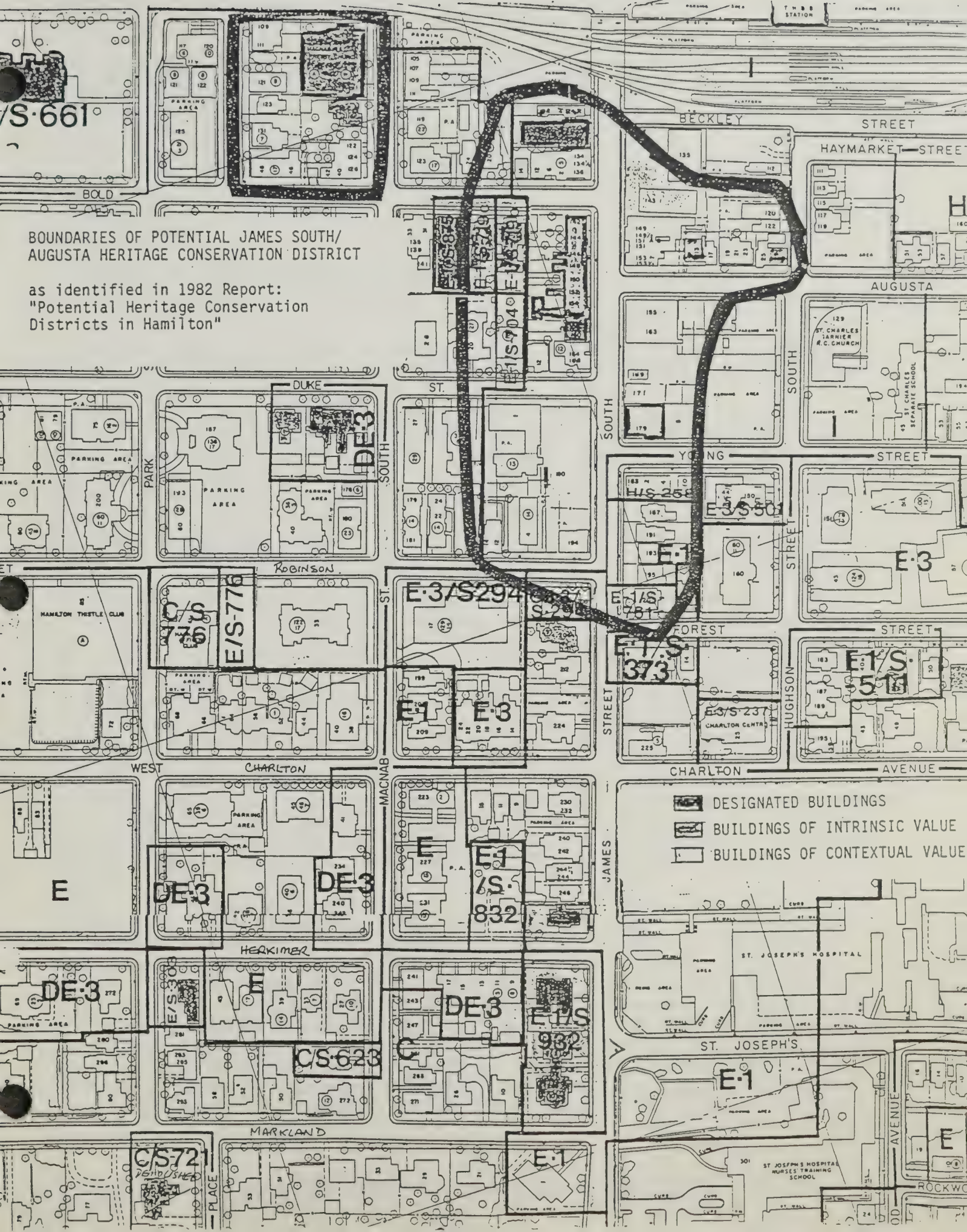
## Legend



Site of the Application













Date: Jun 08, 1992, Time: 17:26:40,

JUN 16 1992

12a)

The Corporation of the City of Hamilton

71 Main St. W.

ZA-92-03

Hamilton, Ont.

L8N 9Z9

The Secretary

Planning and Development Committee

I am writing to you in response to the proposed change in zoning from E-1 to CR3 Modified for property No. 212 James St. South.

I live at 17 Robinson St. and I object strongly to any further construction of the type presently being proposed by Harper Brothers Holding, in this area. I see the same thing happening now as has happened in the past, only more-so. Some 6 or 7 years ago your committee permitted a building to be erected at 206 James St. South with little regard for, the residents who live in the adjoining buildings, the lack of parking or, traffic impact in the area. That particular building provided parking for approximately 24 cars, which is a ridiculous number for a building of that size. It did not take into consideration the number of people that would be visiting the offices now located in that building, many of which are doctor's offices. The grassie area to the south of 17 Robinson St. has been torn up and block paved to provide additional parking for employees. The visitor parking for same, has also been deleted. The "on street parking" has been devastated for blocks around. The only people to benefit are the city By-Law Enforcement officers who make hourly visits to the area to enrich the city coffers. Many of the parking spots are deleted at 4:00 PM due to increased rush hour traffic flow. I have found unauthorized vehicles parked in my parking places two floors under 17 Robinson, and I am not alone in this category. St. Joseph's Hospital is only one block away and we get much of their parking traffic because it is cheaper to park on the street than to use their parking lots, which are normally full anyway.

Although I have taken the time to write this letter I suspect that it will fall on deaf ears, especially considering the alderman representing this ward. If now, as in the recent past our illustrious Planning and Development Committee has it's way, I suspect that the residents in this area will have to endure not only two years of noise and dirt at all hours of the day and night, but what little view we have left of the city will be blotted out by yet another unnessesary commercial/residential high rise building. Several examples of the "committee's" recent follies are:

1. a new two-story house being squeezed into an undersized lot on

F.Douglas Elliott, 17 Robinson st., #401, Ham., Ont., L8P1Y6, 5289191



Date: Jun 08, 1992, Time: 17:26:40,

JUN 16 1992

the south side of Chareilton Ave. between Queen and Kent st's., what a monstrosity, 2. The same situation is about to be repeated on the north side of Bold St. between Pearl and Rae St's., and GOD knows how many other locations, 3. (Although this may not be linked directly to your office, it is every bit as important) the enlargement, paving, and the laying of interlocking paving stones on the parking lot at the Childrens Garden on Oak Knoll Dr., and the redesign and rebuilding of Mountain Brow Park at the Jolly Cut curve. How dare you spend our money in this manner in the middle of a recession ???

Unless your "Committee" and/or "Harper Brothers Holding" can in the near future provide me with some modification or viable alternative (ie. 100 minimum number parking spaces etc., etc.) to this proposal I and many others in this area shall be forced to fight you right up to and inclusive of the O.M.B. I should also note that we shall win. I find it also interesting that the Public Meeting is to be held during working hour so that most interested parties are at work and in many cases will be unable to attend or if they do attend they will loose wages accordingly. (Now that is planning !!)

See you on the 24 th.

Sincerely

  
F. Douglas Elliott

Copy sent to Victor Abraham, Director of Local Planning, Patrice Noe Johnson, City Soliciter, Murray Main, Director of Traffic Services, Alderman Don Drury, Chairperson, Planning and Development Committee on 1992 June 17.

F. Douglas Elliott, 17 Robinson st., #401, Ham., Ont., L8P1Y6, 5289191



# Dominion Management

JUN 12 1992

12b)

2A-92-03

The owners of 212 James St. S. have asked for permission to construct a high-rise office building there. We object because there are already too few parking spaces in the area. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office. The city government will consider your views. Please sign below if you are opposed to a high-rise office building at 212 James St. S.

I DO NOT APPROVE OF A HIGH-RISE OFFICE BUILDING AT 212 JAMES ST. S.

OFFICE OF THE CITY CLERK

JUN 15 1992

Name

Apt. No.

Address

REC. BY: 14  
REF'D. TO  
REF'D. TO  
REF'D. TO

DATE

ACT ON

Brooke Miller	104	206 JAMES ST.
Mrs E. Payster	104	206 James St S Hom.
Mrs R. Odell	104	206 James St S. I think
W. ...	104	206 James St S.
Christina Castro	104	206 James St. S.
Rosette Negro	104	206 James St. S.
M. ...	104	206 James St. S.
Susan Greenly	102	206 James St. S.
G. ...	102	206 James St.
Nannie Finnie	102	206 James St.
Stafford	102	206 James St. S.
K. Taylor	105	206 " "
Y. Bryan	105	206, James St. S.
S. Call	103	206 James St
Jamie Busman	105	206 James St
Laura Mallow	103	206 James St
Cindy Laufman	202	200 James St.



# Dominion Management

The owners of 212 James St. S. have asked for permission to construct a high-rise office building there. We object because there are already too few parking spaces in the area. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office. The city government will consider your views. Please sign below if you are opposed to a high-rise office building at 212 James St. S.

I DO NOT APPROVE OF A HIGH-RISE OFFICE BUILDING AT 212 JAMES ST. S.

Name

Apt. No.

Address

CONNER	302A	nice Bld - leave it - alone - ok
WILLIAM CONNER	302A	
Shirley Samelan	302A	200 James S.
Sandra Ferretti	301A	200 James S.
L. Elton	302	200 James St. S.
M. H.	305	200 James St. South
Shirley Drilling	305	200 James St. S.
Suz Drilling	305	200 James St. S.
J. Bullen	305	200 James St. S.
K. Paterson	301	200 James St. S.
C. Larter		200 James St. South
M. Roman	202	200 James St. S.
A. L. O. L.	301	200 James St. S.
S. Wente	301	200 James St. S.



# Dominion Management

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I DO NOT APPROVE OF A HIGH-RISE OFFICE BUILDING AT 212 JAMES ST. S.

Name \_\_\_\_\_

Apt. No.

Address

[illegible]



[illegible]



# Dominion Management

2 James St. S. have asked for permission to construct a building there. We object because there are already too as in the area. We also don't like the idea of the apart- as looking directly into an adjacent office. The city consider your views. Please sign below if you are opposed fice building at 212 James St. S.

OF A HIGH-RISE OFFICE BUILDING AT 212 JAMES ST. S.

Apt. No.Address[illegible]



JUN 12 1992

# Dominion Management

June 2, 1992 Tenant's 17 Robinson

The owners of 212 James St. S. have asked for permission to construct a High Rise office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.

YES

YES

I APPROVE of an office building at 212 James.

17 Robinson

B.M. Burns

no apt # 2  
1102 →

NO

NO

I DO NOT APPROVE of an office building at 212 James.

Margaret Farguhar 100

Dr. Sobel #280

H. Newell #240

Norman Eager P10

[Signature] 401

Donna A. Elliott 401

Imped. Westernen.

Annie Matthews 701

Merian Mat 801

Suzanne Davidson 1109

Gerry Mc Ghee 1109

Beth Murchuk 207

Shelley Hall 1203

Barbara Sanderson 703

B. P. S. Goods 802

G. P. S. Thompson 1109



# Dominion Management

June 2, 1992 Tenant's 17 Robinson

The owners of 212 James St. S. have asked for permission to construct a 16 story office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.

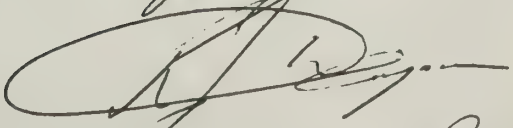
(YES)

I APPROVE of an office building at 212 James.

(NO)

I DO NOT APPROVE of an office building at 212 James.

17 Robinson ~~Apt 1205~~

George Morrison	1209
C. H. Decker	1205
D. H. Decker	1205
Mrs. Soble	806
George Gullman	1201
M. Taylor	608
Mrs. Taylor	112
Mrs. E. Luey	1202
Elma Leonard	503
R. Aylett	907
Mary Taylor	602
Marlene Fletcher	707
Juli Inkos	705
	1010
Mr. & Mrs. B. Lombas	708
Mary T. Dauphin	301



# Dominion Management

## Tenants of 17 Robinson

June 2, 1992

The owners of 212 James St. S. have asked for permission to construct a 16 story office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.

(YES)

I APPROVE of an office building at 212 James.

(NO)

I DO NOT APPROVE of an office building at 212 James.

~~17~~ Robinson Apt 111 →

Wintemute Apt 111

M. Brown 407

Lora M. Shubin 606

A. Pelnick 1206

Joel 1101

M. Brown 1102

Sam Bradley 202

Leslie Burt 905

Paul Lecker 1205

Storley Lecker 1205

Cathy Queen 1108

Alex Queen 1108

Marg. Adams 206

Harold Kraft 208

Don Pelnick 1206



# Dominion Management

June 2, 1992 Tenants of 17 Robinson

The owners of 212 James St. S. have asked for permission to construct a High Rise office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.

YES

I APPROVE of an office building at 212 James.

Bill Busch #1023?

NO

I DO NOT APPROVE of an office building at 212 James.

Walter 1401

Barry 1409

Bm/Burns 1102

Leah McNeely 609

Edna McNeely 609

Amelia Warr 1105

Glori Wilk 505

Morea Stewart 201

Marianne Laughlin 502

Jane Park 507

UNDECIDED

NO OPINION

Ralph Giacomelli 103



# Dominion Management

June 2, 1992 Tenants 17 Robinson

The owners of 212 James St. S. have asked for permission to construct a High Rise office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.

YES

I APPROVE of an office building at 212 James.

NO

I DO NOT APPROVE of an office building at 212 James.

M. Rosolva #808  
W. Wags #403  
R. Reece #203  
P. Smith #902  
A. Little 704  
K. McKenna 1403  
M. Taylor 608  
M. Trullum 1103  
Mary Taylor 602  
B. B. Good  
M. Rappan 1002  
M. Jones 1008  
Evelyn Green  
John Searling 510  
S. Sobel 806



# Dominion Management

June 2, 1992 17 Robinson Tenant's

The owners of 212 James St. S. have asked for permission to construct a High Rise office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.

YES

I APPROVE of an office building at 212 James.

NO

I DO NOT APPROVE of an office building at 212 James.

*Edna Landy*

APT  
304



# Dominion Management

June 2, 1992 Tenants of 17 Robinson

The owners of 212 James St. S. have asked for permission to construct a 16 story office building there. We object because there are too few parking spaces in the area right now. We also don't like the idea of the apartments at 206 James looking directly into an adjacent office.

Your view will help decide the issue. Please sign below indicating if you approve of an office building there or not.



I APPROVE of an office building at 212 James.

17 Robinson ~~PH1~~

" ~~101~~

" ~~205~~

" ~~909~~

" ~~1109~~

" ~~506~~

" ~~710~~

" ~~1204~~

" ~~801~~

" ~~508~~

" ~~501~~

" ~~1006~~

NO

I DO NOT APPROVE of an office building at 212 James.

Ben Fuller PH1

101

Georgina Hubbard 2

Darson 909

1109

506

710

1204

501

508

William Watson 501

Jo Bliss  
Elsie Stinson 1006



Copy sent to Victor Abraham, Director of Local Planning, Patrice Noe Johnson, City Soliciter, Murray Main, Director of Traffic Services, Alderman Don Drury, Chairperson, Planning and Development Committee on 1992 June 17.

2A-92-03

JUN 17 1992

June 15th 1992

12c

Dear Sir:

The parking problem in this area is horrendous. For a building of this height and square footage not enough parking spaces are provided.

This is a main thoroughfare flowing to the Jolley Cut and also to the west of the mountain. Turning onto James to proceed in a southerly direction (especially Robinson) is a hazardous occupation. If the ingress and egress is from or on to James with these extra cars would just add to the problems.

As a Real Estate Broker of Twenty six years driving this city day in day out I am aware of the many bottlenecks and mistakes in planning. I just feel that this is another one. Being in the Real Estate profession I am all for growth, but ~~xxx~~ let it be well planned.

Your's Truly,

*W.T. Scriven*  
W.T. Scriven

Proposed Change in Zoning: From E-1 to CR-3 Modified

Property Description: No. 212 James Street South

I am ☐ in favour of .....  
☒ opposed to ..... (Please check (V) which)

this proposed zone change

Name: W.T. SCRIVEN

Address: 1518-33 ROBINSON STR

HAMILTON ONT L8P 1Y8

PROPERTY OWNER 192 BOLD STR

HAMILTON

*W.T. Scriven*  
signed

Application No. 2A-92-03







CITY OF HAMILTON

- RECOMMENDATION -

JUN 17 1992

**DATE:** 1992 June 16  
(ZA-91-82)  
Gibson Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SECOND REPORT**

**SUBJECT:** Request for a modification to zoning - No. 547 and 549  
Wilson Street and Nos. 79 and 81 Sanford Avenue North.

**RECOMMENDATION:**

1. That approval be given to Zoning Application 91-82, Domenico DeRosa, owner, for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit accessory parking on the lands shown as Block "1", and a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit an expansion to the rear of the existing bakery located on the lands shown as Block "2", for properties located at Nos. 547 and 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:



- a) That notwithstanding Section 10(1) of By-law No. 6593 the following uses shall be permitted:
1. Industrial Use:

A bakery on Block "2"
  2. Commercial Use:

One business identification sign that is a window sign or a wall sign that complies with the following requirements:

    - A. The total aggregate area of the sign shall not exceed 2.5 m<sup>2</sup>.
    - B. The sign shall not be illuminated except by non-flashing indirect lighting.
  3. Accessory Use:
    - A. A restaurant having a maximum seating capacity of 12 persons on Block "2".
    - B. Parking area on Block "1".
- b) That notwithstanding Section 10(3)(i) of By-law No. 6593, a front yard of a depth of at least 3.0 m shall be provided and maintained for the building located on Block "2";
- c) That notwithstanding Section 10(3)(ii) of By-law No. 6593, a southerly side yard of a width of at least 0.10 m and a northerly side yard of 1.80 m shall be provided and maintained for the building located on Block "2";
- d) That a landscaped area in the form of four 7.0 m<sup>2</sup> triangles shall be provided and maintained along the westerly lot line of Block "1" adjacent to the four parking spaces;



- e) That a minimum 1.80 m high chain link fence shall be provided and maintained along the rear 8.5 m of the northerly lot line of No. 81 Sanford Avenue North (Block "2"), and along the rear 7.9 m of the easterly lot line of Block "1";
  - f) That a closed board fence not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly and northerly lot lines of Block "1";
  - g) That pedestrian access to or egress from the rear addition to the bakery /restaurant use located on Block "2" shall be prohibited;
  - h) That outside storage of any kind shall be prohibited on Blocks "1" & "2";
  - i) Except for only a rear one storey addition, the exterior of the building known as No. 81 Sanford Avenue North shall not be altered;
  - j) That notwithstanding Section 18A(9) of By-law No. 6593, part of the 3 required parking spaces and manoeuvring spaces shall be permitted off the lot on which the principal use, building or structure is located.
- ii) That By-law No. 85-231, applicable to a portion of the subject lands (Block "2") be repealed;
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S- , and that the subject lands on Zoning District Map E-22 be notated S- ;
  - iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
  - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".



2. That By-law No. 79-275, as amended by By-law 87-223 be amended by adding Block "1" to Schedule "A".

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations (Block "1"), and for a further modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (Block "2"), for property located at Nos. 547 and 549 Wilson Street and No. 79 and 81 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit an expansion of the existing bakery/restaurant business by enlarging the kitchen area (Block "2") and to provide for accessory off-street parking (Block "1").

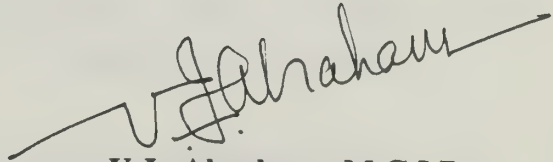
In addition, the By-law provides for the following variances as special requirements:

1. to permit a minimum front yard setback of 3.0 m from Sanford Avenue North as opposed to the required 6.0 m (previously approved By-law variance);
2. to permit a minimum southerly side yard setback of 0.10 m from Wilson Street (previously approved By-law variance), and to require a minimum northerly side yard of 1.80 m for the building addition whereas 1.2 m is required;
3. to provide and maintain a landscaped area in the form of four 7.0 m<sup>2</sup> triangles along the westerly lot line of Block "1" for the four adjacent parking spaces;
4. to require a minimum 1.80 m high chain link fence to be provided and maintained along the rear 8.5 m of the northerly lot line of No. 81 Sanford Avenue North (Block "2"), and along the rear 7.9 m of the easterly lot line of Block "1";
5. to require a closed board fence not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the westerly and northerly lot lines of Block "1";



6. to prohibit pedestrian access to or egress from the rear addition to the bakery/restaurant use;
7. to permit only a one storey rear addition to the building known as No. 81 Sanford Avenue North;
8. to prohibit outside storage (previously approved By-law variance);
9. to permit part of the 3 required parking spaces, and the manoeuvring spaces to be located off the lot on which the principle use, building or structure is located (previously approved By-law variance); and,
10. to permit one window sign or wall sign having an area of not more than 2.5 m<sup>2</sup> in area, which shall be illuminated otherwise than by non-flashing indirect lighting (previously approved By-law variance).

**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The purpose of the proposed zoning modification is to permit the expansion of the existing bakery (DeRosa Bakery) by "squaring-off" the existing building located at Nos. 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North. The existing dwelling located at No. 547 Wilson Street is to be demolished to provide for accessory parking (see APPENDIX "B").



- Previous Proposal

At its meeting of March 4, 1992, the Planning and Development Committee referred the application back to staff for further discussions with the applicant and adjoining property owners, with the aim of resolving concerns about the proposed addition to the bakery. In this regard, staff met with the applicant and his agent and with the adjoining property owners, and, as a result, the applicant has agreed to provide the following:

- to construct a six foot high chain link fence rather than a 1.2 m to 2.0 m high visual barrier along the property lines between the Andrews property, (No. 83 Sanford Avenue North), and the bakery property;
- to set-back the proposed one storey rear addition to the bakery a minimum distance of six feet from the southerly property line of the Andrews (No. 83 Sanford Avenue North);
- to prohibit pedestrian ingress to and egress from the proposed rear addition to the bakery.

In addition to the foregoing, the applicant has agreed to provide a visual barrier along the westerly and northerly lot lines, and to landscape the areas between the angled parking spaces (see Appendix "B").

- By-law No. 79-271

On September 25, 1979, City Council passed By-law No. 79 -271, which modified the "D" Zoning for the applicant's lands at No. 549 Wilson Street to provide for the following variances as special requirements:

- to permit the bakery use;
- to prohibit outside storage; and,



- to prohibit alteration of the exterior of the buildings situated on the site.

- By-law No. 85-231

On October 29, 1985, City Council passed By-law No. 85-231, which provided for a further modification to the "D" Zoning for the applicant's lands at No. 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North. The effect of the By-law is to permit, in addition to the existing bakery and residence, an accessory restaurant use (lunch counter) having a seating capacity of 12 persons.

In addition, the By-law repealed By-law No. 79-271, and provided for the following variances as special requirements:

- to permit a minimum front yard set back of 3.0 m from Sanford Avenue North as opposed to the required 6.0 m;
- to permit a minimum southerly side yard set back of 0.10 m from Wilson Street as opposed to the required 1.2 m;
- to require a visual barrier not less than 1.2 m nor more than 2.0 m in height to be provided and maintained along the westerly property line and along the rear 8.50 m of the northerly property line of No. 81 Sanford Avenue North;
- to prohibit outside storage;
- to permit part of the required parking spaces, and the manoeuvring space to be located off site; and,
- to permit one window sign or wall sign having an area of not more than 2.5 m<sup>2</sup> in area which shall be illuminated otherwise than by non-flashing indirect lighting.

**APPLICANT:**

Domenico DeRosa, owner.



***LOT SIZE AND AREA:***Block "1"

- 7.85 m (25.75 ft.) of lot frontage on Wilson Street;
- 25.46 m (83.50 ft.) of lot depth; and,
- 196.13 m<sup>2</sup> (2,111.23 sq. ft.) of lot area.

Block "2"

- 17.53 m (57.50 ft.) of lot frontage on Sanford Avenue North;
- 21.34 m (70.00 ft.) of flankage along Wilson Street;
- 370.36 m<sup>2</sup> (3,986 sq.ft.) of lot area.

The site has a total lot area of 566.43 m<sup>2</sup> (6,097.23 sq.ft.).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling, bakery/restaurant	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified



### Surrounding Lands

to the north	single-family dwelling	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	vacant industrial building	"DE-3" (Multiple Dwellings) District, modified
to the east	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the west	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land use Concept plan of the Official Plan and are subject to, among others, the following policies:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv)      Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan."



Since the bakery is involved in the preparation of goods to be sold off the premises, it does not serve the needs of the local residents. Therefore, the proposal is not a permitted use in the RESIDENTIAL designation.

Notwithstanding the above, the following policies regarding noncomplying uses could be applied to the proposal:

"A.3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:

- i) Council will determine the feasibility of acquiring and of holding, selling, leasing or redeveloping the property concerned in accordance with the provisions of the Planning Act. Council will further examine the merits and potential for the relocation of the use to an area in compliance with this Plan;
- ii) If acquisition by the City is not feasible, Council may encourage the Region to consider acquisition. Where no municipal acquisition is possible and/or the special merits of the individual case make it desirable to grant permission for the extension or redevelopment of the NON-COMPLYING USE, Council may consider the passing of an enabling Zoning By-law pursuant to The Planning Act; and,
- iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:
  - a) that the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;
  - b) that the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING USE established prior to the passing of the original Zoning By-law;



- c) the characteristics of the existing NON-COMPLYING USE and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- d) that the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;
- e) such provisions and regulations will be applied to the proposed extension or enlargement and, where ever feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;
- f) that traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- g) that adequate provisions have been, or will be, made for off-street parking and loading facilities; and,
- h) that municipal services such as water, sanitary and storm sewers, roads, etc. are adequate, or can be made adequate."

The proposal represents a minor extension to the established use and as such, would not conflict with the intent of the Official Plan.



**NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL, and ATTACHED HOUSING" on the approved Gibson Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL".

**COMMENTS RECEIVED:**

- The Building Department has advised that:

- "1. The By-law 85-231 which applies to the adjoining land known as 549 Wilson Street and 79 - 81 Sanford Avenue North shall also apply to these lands.
2. Demolition approval of the existing residential building known as 547 Wilson Street by the Planning and Development Committee under Demolition Control By-law is required.
3. The dimensions of the proposed parking spaces do not conform to the minimum 2.7m x 6.0m requirement. If these parking spaces are required, Section 18A provisions shall apply.
4. The present use of bakery, restaurant, and dwelling unit requires a minimum of three parking spaces.
5. The existing by-law does not permit the alteration to the exterior of the building known as 81 Sanford Avenue N. Therefore, the proposed addition is not permitted.
6. The proposed addition requires a 1.2m northerly side yard and a 7.5m rear yard.
7. The closed board fence requirements of the existing by-law shall be amended to accommodate the additional lands which adjoin the residential districts to the west, east and north. Presently the closed board fence has not been provided as required by the by-law.



8. The existing by-law refers to only one parking space and manoeuvring space shall not be prohibited off the site of principal building and use. According to Site Plan DA-85-59 there is 3 parking spaces partly on road allowance which is under encroachment agreement."

- The Traffic Department has advised that:

"We have no objections to the proposed zoning. However, it should be noted that there is presently no off-street parking at this location. There has been discussions about demolishing the existing building and using this area for parking. While we usually support this type of proposal, the applicant should be advised that this lot is only 25.75 feet wide and could only accommodate two or three parked vehicles. These vehicles would be required to back up onto Wilson Street and would require the removal of approximately two on-street parking spaces. We suggest that the applicant review any parking area designs with this Department".

- The Hamilton Wentworth Transportation/Environmental Services Group - Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records, the present road allowance width of Wilson Street is 18.29m and it is constructed to four lanes eastbound. The designated road allowance width of Wilson Street is 20.12m. Therefore the Applicant should be advised of a 0.914m road allowance widening at some future date or at such time as these lands redevelop.

In absence of any details shown, we advise that any works which may occur within the Wilson Street road allowance must conform to the Region's Roads Use By-Law. We recommend that the subject lands be developed through site plan control at which time specific comments on grading, access, road widenings, setbacks, etc. will be determined".

- The Hamilton Region Conservation Authority has no comments or objections.



**COMMENTS:**

1. The proposal to permit an extension of a legal non-complying use beyond the boundaries of the site is not considered to conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Gibson Neighbourhood Plan. Approval of the application would require redesignation to "COMMERCIAL" to bring the proposal into conformity.
3. While recognizing that ideally non-complying uses should cease to exist over a period of time, City Council has recognized the existing bakery/restaurant use by passing by-laws 79-271 and 85-231. In this regard, the proposal has merit and can be supported for the following reasons:
  - it does not conflict with the intent of the Official Plan in that it would not aggravate any situation detrimental to adjacent complying uses; it would not constitute a change to the surrounding uses; and, it would not interfere with the desirable development in the adjacent area;
  - the bakery use has been operating from this location since 1972 (legal non-conforming use prior to 1979) and because of established cliental in this area, is unlikely to relocate;
  - it is located in a mixed use area (i.e. industrial, commercial and residential) and appears to have existed harmoniously with surrounding development;
  - the proposal involves the infilling of a corner of the existing building to accommodate the enlargement of the kitchen area only, and the acquisition of the site in question will facilitate the use of this area for additional parking.
4. The applicant has met with the adjoining property owners and staff to resolve matters concerning the proposed development, and now wishes to have the application reconsidered by the Planning and Development Committee. In this regard, should the application be approved, the amending By-law should provide for the following variances as special requirements:
  - that a minimum 1.82 m high chain link fence be provided and maintained along the rear 8.5 m of the northerly lot line of No. 81 Sanford Avenue North



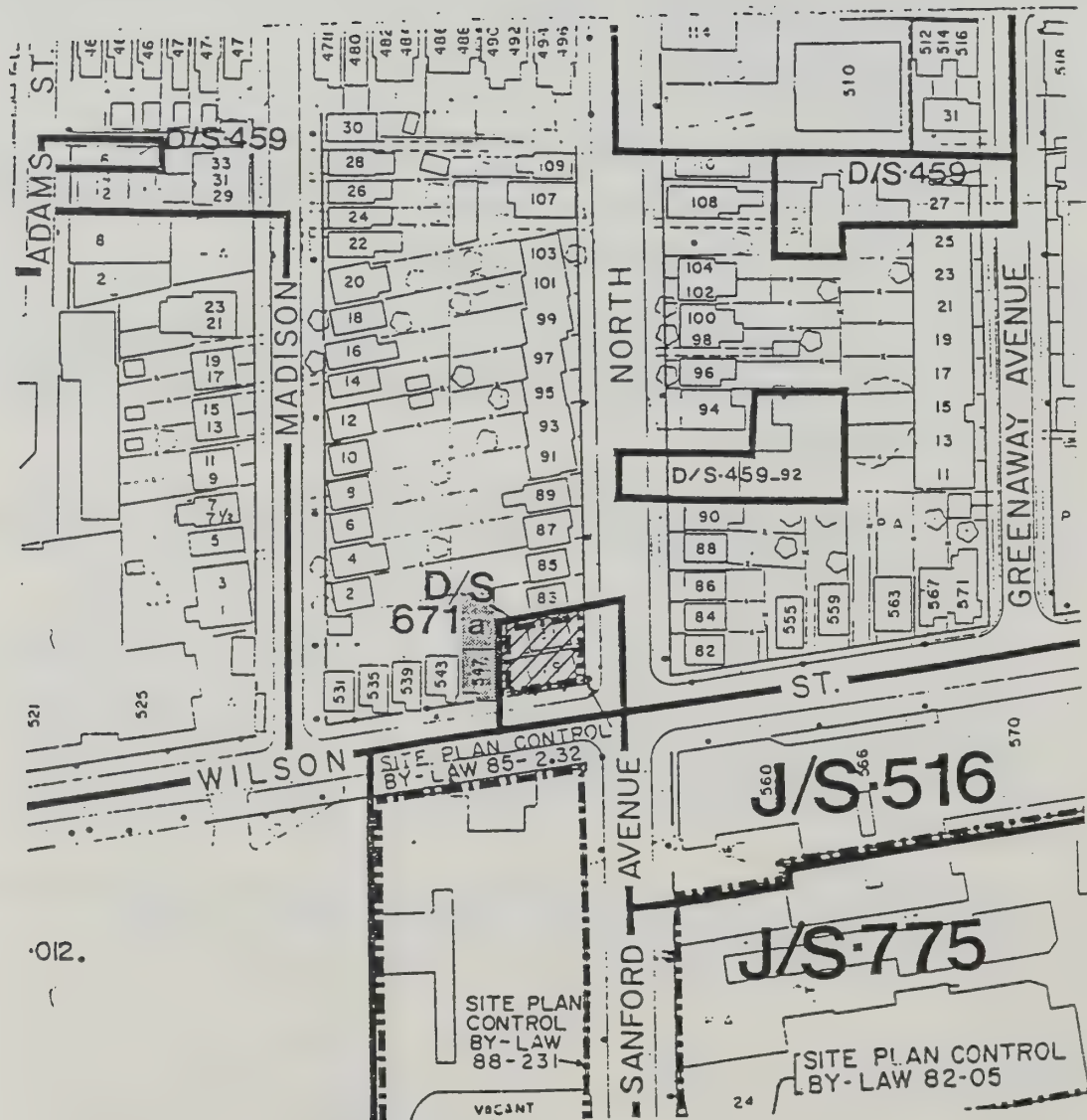
(Block "2"), and along the rear 7.9 m of the easterly lot line of Block "1";

- that a closed board fence not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly and northerly lot lines of Block "1";
  - that a minimum setback of 1.82 m shall be provided and maintained along the northerly side lot line of Block "1" for the one storey rear addition to the established bakery/restaurant building;
  - that a landscaped area in the form of four 7.0 m<sup>2</sup> triangles shall be provided and maintained along the westerly lot line of Block "1" adjacent to the four parking spaces;
  - that pedestrian access to or egress from the rear addition to the bakery business shall be prohibited;
6. As this proposal would involve a number of amendments to By-law 85-231, it would be appropriate to pass a new By-law incorporating all the necessary provisions, and to repeal By-law 85-231. Furthermore, it should be noted that demolition approval for the existing dwelling at No. 547 Wilson Street (Block "1") is required.
7. Since Block "2" is subject to site plan control, it would be appropriate to establish site plan control on Block "1" also.



**CONCLUSION:**

On the basis of the foregoing, the application can be supported.





Legend

- BLOCK 1  Modification to the "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District regulations.
- BLOCK 2  Further modification to the "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District regulations.

APPENDIX A











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Collection  
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J.J. SCHATZ  
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL 546-2100  
FAX 546-2095

1992 June 18th

URBAN MUNICIPAL

JUN 22 1992

GOV. MENT DOCUMENTS

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 June 24th  
7:00 o'clock p.m.  
Council Chambers, City Hall

  
Tina Agnello, Secretary

AGENDA

1. Commissioner of Planning and Development

Residential Enclaves Study - Final Report - Public Meeting

2. Adjournment.

URBAN MUNICIPAL

JUN 22 1992

GOV. MENT DOCUMENTS







CITY OF HAMILTON

1992  
JUN 17 1992

- RECOMMENDATION -

**DATE:** 1992 June 17  
(P5-4-45)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

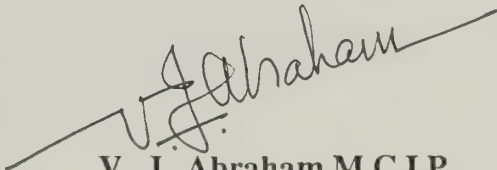
**SUBJECT:** *Residential Enclaves Study - Final Report*

**RECOMMENDATION:**

That Planning and Development Committee recommend to Council that the following actions be undertaken for the residential enclaves located north of the CN tracks, from Victoria Avenue North to east of Kenilworth Avenue North:

1. retain the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District zoning for all the enclaves;
- 2(a) the acquisition program established 1981 for Leeds, Biggar and Stapleton be **abandoned completely** and, no residential lands will be acquired by the City for industrial purposes in the Land and Rowanwood enclave; and,
- (b) the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December, 1989, be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with **no expropriation** contemplated. Funds will be utilized from the existing Capital Budget (Account No. 308750001), as well as the funds realized from the sale of lands in Alpha West.

J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

To date there is \$891,177.00 available in the Enclave Clearance Program account.



## 1.0 BACKGROUND

City Council directed a study of the residential enclaves be undertaken for those areas north of the CN tracks, to re-evaluate their long term land use and the City's continued involvement in purchasing residential properties for industrial purposes. Accordingly, the study was undertaken and a number of land use and acquisition options were identified. A public meeting was held on April 15, 1992, to advise the residents of the study findings and receive their input. As a result of this, as well as input from various departments and agencies, an appropriate land use and acquisition strategy has been developed.

For the purposes of this study, an "enclave" is defined as an isolated pocket of houses surrounded by industry. (See Map attached)

The City first got involved in acquiring residential properties in 1981 when it approved funding in the Capital Budget to purchase properties in the north part of Alpha (south side of Burlington Street, east of Sherman Avenue North). The basis for the acquisition was for social benefits to be gained including:

- to provide residents the opportunity: to relocate to a cleaner, less noisy environment; to move from substandard housing; to reduce hardships due to uncertainty, declining land values and financial ability to relocate; and,
- upgrade the City's environmental, health and housing standards; improving the City's image; reducing the cost of providing services to isolated residential pockets; satisfying the demand for industrial land which would subsequently create jobs; and, increasing taxable assessment.

Planning and Development Committee, at their meeting of March 4, 1992, authorized a public meeting be held to consider the land use and acquisition options for the residential enclaves (north of the CN Railway tracks, from Victoria Avenue North to west of Kenilworth Avenue North).

The Public Meeting/Open House was held at 6:30 p.m. on April 15, 1992, at Sanford Avenue Public School. There were approximately 200 people attending the meeting. The purpose of the public meeting was to inform residents of the findings of the Residential Enclaves Study, including three land use options and four acquisition options, as well as to hear the public comments on the study. The strongest concerns centred on the City's intent to acquire any residential properties, either by purchase or expropriation. In addition, people were concerned that the study had placed a "black cloud" over the future of these areas.

## 2.0 RESULTS OF PUBLIC SUBMISSIONS

People who attended the Public Meeting were asked to complete a "Public Submission" form identifying their choice with respect to the three land use options and the four acquisition options. Any additional comments were also requested. (See Summary - Appendix 1 attached) A total of 68 "Public Submission" forms were returned, representing slightly less than 10% of the total number of households (1989 Assessment). On this basis, the results of findings must be used with caution.



The options are summarized as follows:

- Land Use

Three land use options were identified as part of this Study:

Option 1 - No change. All lands to remain designated "Industrial" in the Official Plan and zoned "K" (Heavy Industry) District.

Option 2 - Recognize viable residential areas within Land and Rowanwood. The "Industrial" designation and "K" zoning to remain on all the others.

Option 3 - Recognize residential uses in all the enclaves.

- Acquisition

Option 1 - Continue with the current acquisition program for Alpha, Biggar, Leeds and Stapleton. Include Beatty since it was not part of the original program. Re-evaluate the program in 1995 and consider the possible acquisition of Land and Rowanwood at that time.

Option 2- Abandon the program entirely.

Option 3 - Combination approach. Develop an approach which would include a combination of initiatives such as: obtaining funding from other levels of government, funnelling money from the sale of Alpha West to purchase properties on a willing seller, willing buyer basis, and setting aside money in the Capital Budget to purchase properties.

Option 4 - Willing seller, willing buyer in all the enclaves.

The highlights of the responses from the public submissions are summarized as follows:

- Land Use Options

Options 2 and 3, which both supported the maintenance of residential uses to some degree, were clearly favoured by the majority of those who returned the public submission form.

- Acquisition Options

The majority clearly indicated that the acquisition program should be abandoned entirely. Of those that favoured some level of City involvement in purchasing properties, the majority favoured "willing seller, willing buyer in all the enclaves" .



### • Additional Comments

By far the most frequent comments noted that:

- industry does not require additional land;
- the City should not intervene as the middleman between the residents and industry;
- the "black cloud" of uncertainty should be removed; and,
- the City should either get out of the acquisition program entirely or buy up all the homes and let the residents get on with their lives.

## 3.0 ANALYSIS OF OPTIONS

### 3.1 Land Use

All the enclaves are isolated pockets of residential uses surrounded by heavy industry. They are presently designated and zoned for industry. This situation has existed for over 40 years. Further, in 1981, Beatty, Land and Rowanwood were zoned "K" with a special provision to allow existing dwellings to be altered or enlarged in accordance with the "D" (One and Two Family Dwellings, Townhouses, etc.) District and, to permit reduced side yards.

Option 1 would maintain the status quo and enable residents to enjoy the same level of certainty that they have at the present time. In addition, it would reinforce the City's commitment to preserve the Bayfront for industrial purposes in the long term.

While some residents supported the continuation of residential uses in the City's Official Plan and Zoning By-law, there are several major drawbacks such as:

- potential health risks (particularly regarding contaminated soils) associated with people living in close proximity to industry. Both the Ministry of Environment and Regional Health Services have expressed serious concern in this regard;
- business and industry located in this area based on the City's commitment to maintain this area for industrial purposes. To recognize these areas for residential uses would ignore the rights of established industry who located here in good faith on lands planned and zoned for industry;
- reinforces the co-existence of incompatible lands uses (low density residential/heavy industry); and,
- an inefficient use of hard and soft service (i.e. parks) because of the isolated nature of these areas.



On the basis of the foregoing, the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District should be retained for all the enclaves. This will address the residents concern over the future of their neighbourhood by maintaining the status quo.

### 3.2 Acquisition Options

Those attending the public meeting and those who returned the public submission forms overwhelmingly favoured the City abandoning the program entirely. Clearly, the residents wanted the threat of the City purchasing or expropriating their property removed so they could have some certainty in the future.

To address this issue more fully, the reasons the City first got involved in acquiring such residential properties was because of the social benefits to be gained, as noted previously.

The social benefits notwithstanding, "The Residential Enclaves Study" (page 4) noted that the City's acquisition of lands in Alpha were not profitable or even a break-even situation. To-day, the difference between buying land for residential uses and selling it for industrial purposes has meant the City was realizing only one fifth of its purchase as residential land. On this basis, there is merit in the City abandoning the program. Not only is it costing the City money, there is also little demand for industrial land. The residents want certainty for the future of their neighbourhood. This option is being suggested for all the enclaves except for Alpha East.

Acquisition of Alpha is incomplete. In December, 1989, City Council directed that the program for Alpha East (east of Sherman Avenue North), Leeds, Biggar and Stapleton, be put on hold. Planning and Development Committee subsequently directed staff to undertake this study. Alpha East is an area that has been most affected by the City's purchases. Lands to the west and north were acquired by the City in the 1980's and sold to industry. This action seriously eroded the neighbourhood and reduced the quality of life for existing residents. On this basis, the City has an obligation to the remaining residential property owners to take some kind of action for this area.

In reviewing the options for Alpha East, it is suggested that the City maintain the allocation in the Capital Budget to purchase approximately 11 residential properties on a willing seller/willing buyer basis with **no expropriation**. Priority for such purchases should be given to owner-occupants.

Currently, there is \$891,177.00 available to purchase some of these properties. Additional revenue should be obtained from selling this land as well as lands in Alpha West to industry. Once all the residential lands have been acquired and sold in the Alpha East enclave, the acquisition program will be abandoned.

It should be noted that \$2 million was allocated to the Future Capital Budget for 1997. The additional funding was identified so the City had some funding available if the program was continue. However, if the recommendations are approved, then the additional \$2 million will not be required.



#### 4.0 CONCLUSIONS:

Based on the study findings and the input of the residents and the various departments and agencies, the following course of action should be considered:

- the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District zoning for all the enclaves should be retained;
- the acquisition program established for Leeds, Biggar and Stapleton be **abandoned completely**. Further, the City should not acquire any residential properties for industrial purposes in Land or Rowanwood; and,
- the acquisition program for Alpha East (east of Sherman Avenue North) continue on a willing seller/willing buyer basis for the approximately 11 residential properties remaining with no expropriation contemplated. The City Property Department be requested to undertake this initiative on the understanding that the existing funds in the Capital Budget be utilized, as well as funds realized from the sale of lands previously acquired through the program.

/dkp

B:\ENCLFREP



# LOCATION MAP

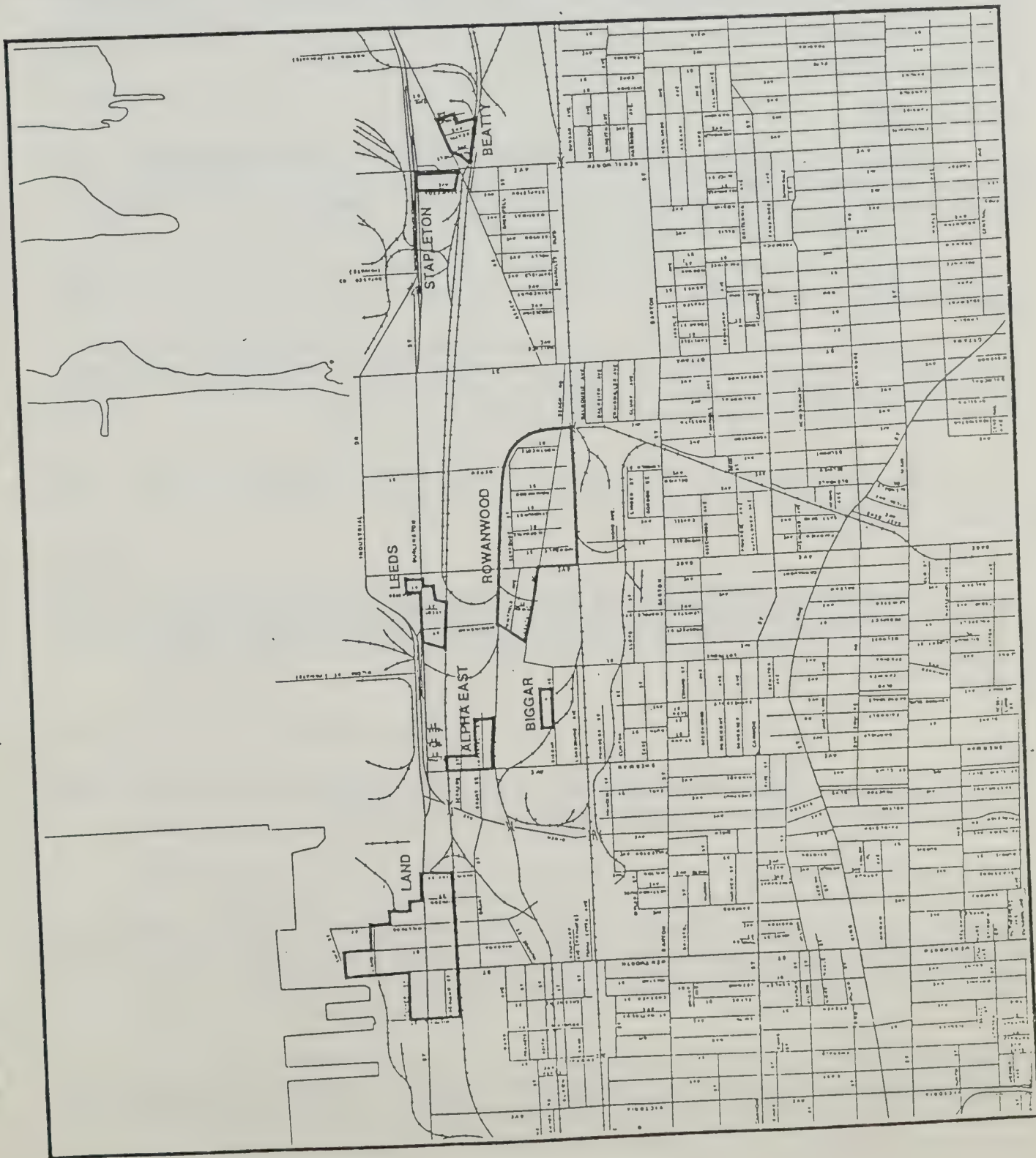


Enclave Study Areas

## RESIDENTIAL ENCLAVES STUDY



FEB 1992





**RESIDENTIAL ENCLAVES STUDY**  
**SUMMARY OF PUBLIC SUBMISSIONS**  
**MAY, 1992**

A "Public Submission" form was available at the Public Meeting on April 15, 1992. The purpose of the public meeting was to review and hear comments on the land use and acquisition options which were developed as a result of a recent review of the existing residential enclaves north of the CN tracks. Approximately 200 of these forms were available at the meeting or were mailed out afterwards. By the May 15, 1992 deadline, a total of 68 had been returned. This return represents slightly less than 10% of the 1989 Assessment figures for the total number of households in the enclaves. On this basis, the findings below must be used with extreme caution.

Responses by Option

Land Use Options

Option 2 (recognize the viable residential components of Land and Rowanwood, maintain the rest for industry) and Option 3 (redesignate and rezone all enclaves residential) were the most favoured land use options obtaining 38.5% and 40% respectively of the submissions returned. Option 1 (maintain the industrial designation and zoning) received the lowest at 21.5%.

Acquisition Options

Option 2 (abandon the program entirely) received the greatest response by far of the submissions returned (49.2%). The second highest return at 32.3% was for Option 4 (willing seller, willing buyer in all the enclaves). Option 1 (continue with the current program) ranked lowest at 7.7% and Option 3 (combination approach) received 10.8% of the submissions returned.

Responses by Enclave

Alpha East

The return rate for this area was very low with only two submissions returned. One favoured Option 1 and the other favoured Option 2 in the land use options. Both these options recommended keeping this area for industry. Of the acquisition options, one favoured Option 1 and the other favoured Option 2.

Biggar

The return rate of submissions for this area was also very small being just two. The two that made submissions favoured Option 3 for land use and Option 2 for acquisition.

Beatty

There were five submissions returned from Beatty. With respect to the land use options: one favoured Option 1, one favoured Option 2, and three favoured Option 3. Option 4 of the acquisition options was favoured by three, whereas Options 2 and 3 received one each.

Land

Seventeen submissions were received from Land. Six each favoured Options 1 and 3 of land use, whereas five favoured Option 2. Option 2 of acquisition had 7 returns in its favour, and Option 3 had five returns. Options 1 and 4 received three each.



## Leeds

There were only five submissions returned from Leeds. All five favoured Option 3 of the land use options, and four favoured Option 4 regarding acquisition. One return favoured Option 2 with respect to acquisition.

## Rowanwood

Rowanwood had the largest number of submissions being 32. Of this, the majority (17) favoured Option 2 of the land use options. Option 3 was the second highest with 10, and Option 1 only received five in its favour. Option 2 received the highest return by far of the acquisition options with 19 returns. Option 4 received 11, Option 3 received 1 and Option 1 had none in favour. These responses reflect that this is a viable, relatively stable residential area whose residents wish to remain.

## Stapleton

There were no submissions received from Stapleton.

## Unknown

There was only one submission received wherein the sender did not give an address. This respondent indicated that Option 1 was favoured for land use and Option 1 was favoured for acquisition.

## **Analysis of Submissions**

### Land Use

Options 2 and 3, which both supported the maintenance of residential uses to some degree, were clearly favoured by the majority of those who returned the public submission form.

### Acquisition

Clearly, the majority of respondents indicated that the acquisition program should be abandoned entirely. Of those who favoured some level of City involvement in purchasing properties in these areas, the majority favoured a "willing seller, willing buyer in all the enclaves".

## **Summary of "Additional Comments"**

The following is a point form summary of some of the comments received:

- absentee landlord has difficulty renting property for residential
- Alpha East area seriously deteriorated residential environment due to City's acquisition of nearby properties - problems for remaining residents include: surrounded by industry; garbage; odour; heavy traffic - City should finish off acquisition program in this area
- Land and Rowanwood provide a affordable/starter housing opportunities - MOE says air quality improving - frequent bus service on Gage Avenue - heavy truck traffic on other City streets such as Upper James
- want an immediate decision made on the future of these areas as some people wish to sell their homes and want to do so without a "cloud" over their neighbourhood and others wish to make improvements but want some assurance that the City will not buy them out



- assistance needed for those to be relocated
- long time residents do not wish to move "Leave us alone"
- remove threat of expropriation
- let big business purchase residential properties for their own purposes, City does not need to be involved
- concerned about location of potentially contaminated soils, availability of public transit, danger of railway crossings and costs of relocating out of the area
- many residents take pride in their property
- City should be tearing down industry that causes pollution instead of people's houses
- already a lot of vacant industrial land and buildings in these areas, more is not needed
- want to sell house to City
- all existing houses should be zoned "D"
- moving would be a hardship i.e. financially
- knew industry adjacent to residential - no problems with adjacent industries
- uncertainty of the areas future has caused emotional stress for some residents
- would not mind selling and relocating if fair market value can be ensured
- would like City to buy property because not able to sell otherwise
- no demand for industrial land
- could not find comparable home elsewhere in the City for price in enclaves

By far the most frequent responses were that industry does not need the land, the City should not intervene as a middleman between the residents and industry, the "cloud" of uncertainty should be removed and the City should either get out of the acquisition program altogether or buy up all the homes and let people get on with their lives.



RESIDENTIAL ENCLAVES STUDY  
SUMMARY OF PUBLIC SUBMISSIONS

MAY, 1992

	<u>Land Use Option</u>			<u>Total</u>	<u>Acquisition Options</u>				<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	
Alpha East (33)	1	1	-	2	1	1	-	-	2
Biggar (18)	-	-	2	2	-	2	-	-	2
Beatty (23)	1	1	3	5	-	1	1	3	5
Land (230)	6	5	6	17	3	7	5	3	18
Stapleton	-	-	-	-	-	-	-	-	-
Leeds (28)	-	-	5	5	-	1	-	4	5
Rowanwood (344)	5	17	10	32	-	19	1	11	31
Unknown	<u>1</u>	<u>-</u>	<u>-</u>	<u>1</u>	<u>1</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1</u>
Totals (687)	14	24	26	64	5	31	7	21	64

Total Returned - 68 (3 submissions had comments only with no options chosen)  
(12) Total number of households - 1989 Assessment

C.F.:ns  
ENCLAVES







C44 ON HBL A05  
C51P4  
1992



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

J.J. SCHATZ  
CITY CLERK

**THE CORPORATION OF THE CITY OF HAMILTON**

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700  
FAX: 546-2095

URBAN MUNICIPAL  
JUN 30 1992  
GOVERNMENT DOCUMENTS

1992 June 26

**NOTICE OF SPECIAL MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

1992 June 30  
7:00 o'clock p.m.  
Room 233, City Hall

  
\_\_\_\_\_  
Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA:**

1. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Site Plan Control Application DA-91-60 to amend DA-89-45 for a 152 unit apartment building at 430 Cumberland Avenue
- (b) Residential Enclaves Study

2. **ADJOURNMENT**







Tabbed P+D. mty June 24/92

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

1a)

**DATE:** 1992 June 16  
DA-91-60 (DA-89-45)  
Blakeley Neighbourhood

JUN 17 1992

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Site Plan Control Application DA-91-60 to amend DA-89-45 for a 152 unit apartment building at 430 Cumberland Avenue.

**RECOMMENDATION:**

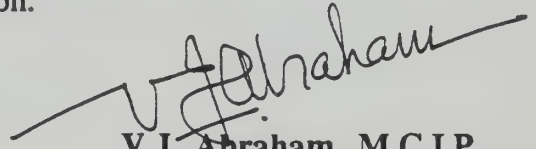
That approval be given to Site Plan Control Application DA-91-60 to amend DA-89-45 by C.F.I. Holdings, owner, of lands known as 430 Cumberland Avenue, for a 152 unit apartment building subject to the following:

- i) modification to the plans in relation to notes, dimensions, and earth berm, as marked in red on the plans;
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of Transportation/Environmental Services;
- iii) provision of the following notes on the site plans;
  - a) "Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 meters of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz";
  - b) The Building is to be constructed using brick veneer or an acoustically equivalent construction for the exterior walls;
  - c) The minimum require noise insulation for the windows is A1F29;
  - d) Provision of an air conditioning system for all units on the south facade of the building.
  - e) Provision for the future installation of an alternative means of ventilation for all the other units.



- f) Provision of a minimum 2.2 m high noise barrier along the southerly boundary of the property.
- g) Provision of a warning clause concerning rail traffic noise shall be included in the tiles, deeds and rental agreements of all the units; and,
- iv) submission of a revised landscape plan to the satisfaction of the Director of Local Planning and the Niagara Escarpment Commission.

**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**

  
**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**BACKGROUND:**

Previously approved plans under Site Plan Control Application DA-89-45 proposed development of two 8 storey apartment buildings having 142 units each, with a common recreation centre at the rear of the property.

The lands have recently been severed to permit the development of the lands as two projects.

The proposed building under the present application DA-91-60, provides 152 units on the westerly portion, instead of the 142 originally shown and orients the building and parking areas in a similar design. The revised design of the easterly portion will require submission of a new Site Plan Control Application. The details of the development of DA-91-60 for the westerly lands are as follows:

• Net Lot Area	-	7,187.3 m <sup>2</sup>
• Gross Floor Area	-	12,090.0 m <sup>2</sup>
• No. of Units	-	152
• Building Height	-	Eight (8) storeys max.
• No. of Parking Spaces Provided	-	Tenant 152 Visitor 38
• Landscape Area	-	3,619.44 m <sup>2</sup>



- Exterior Building Materials - Brick Face - Field Colour,  
Brick Detail Accent Colour,  
Balconies - Stucco on  
Concrete

The landscape treatment along the southerly property line will incorporate noise reduction measures such as on acoustical wall and tree plantings to reduce noise levels from the adjacent railway line.

#### ***COMMENTS RECEIVED:***

The Building Department has indicated the following:

- a) The plan should indicate the minimum side yard requirement of 13.5 m instead of the 13.0 m dimensioned. The plan scales 14.2 m + at the southwest corner of the building.
- b) All the lengths and widths of the parking spaces must be clear of the columns.
- c) A total of 38 parking spaces must be designated as visitor parking spaces.

The Traffic Department comments attached deal with driveway dimensions, radii, drop-off bay and truck access.

The submitted revised plan has addressed these comments in revisions or red-line notes.

The Roads Department in their attached comments has advised that a revised grading plan is required and noted certain matters for construction adjacent or within the road allowance.

Canadian Pacific Railway has indicated in their attached letter, that their previous comments, pertaining to the entire site are still applicable for the subject development.

The Niagara Escarpment Commission has verbally advised that details of the landscape plan should include dense native plantings and should be confirmed with a revised landscape plan.

#### ***COMMENTS:***

Various modifications are required to the plan in relation to notes and dimensions, and have been incorporated in the revised plans or marked in red on the submitted plan.

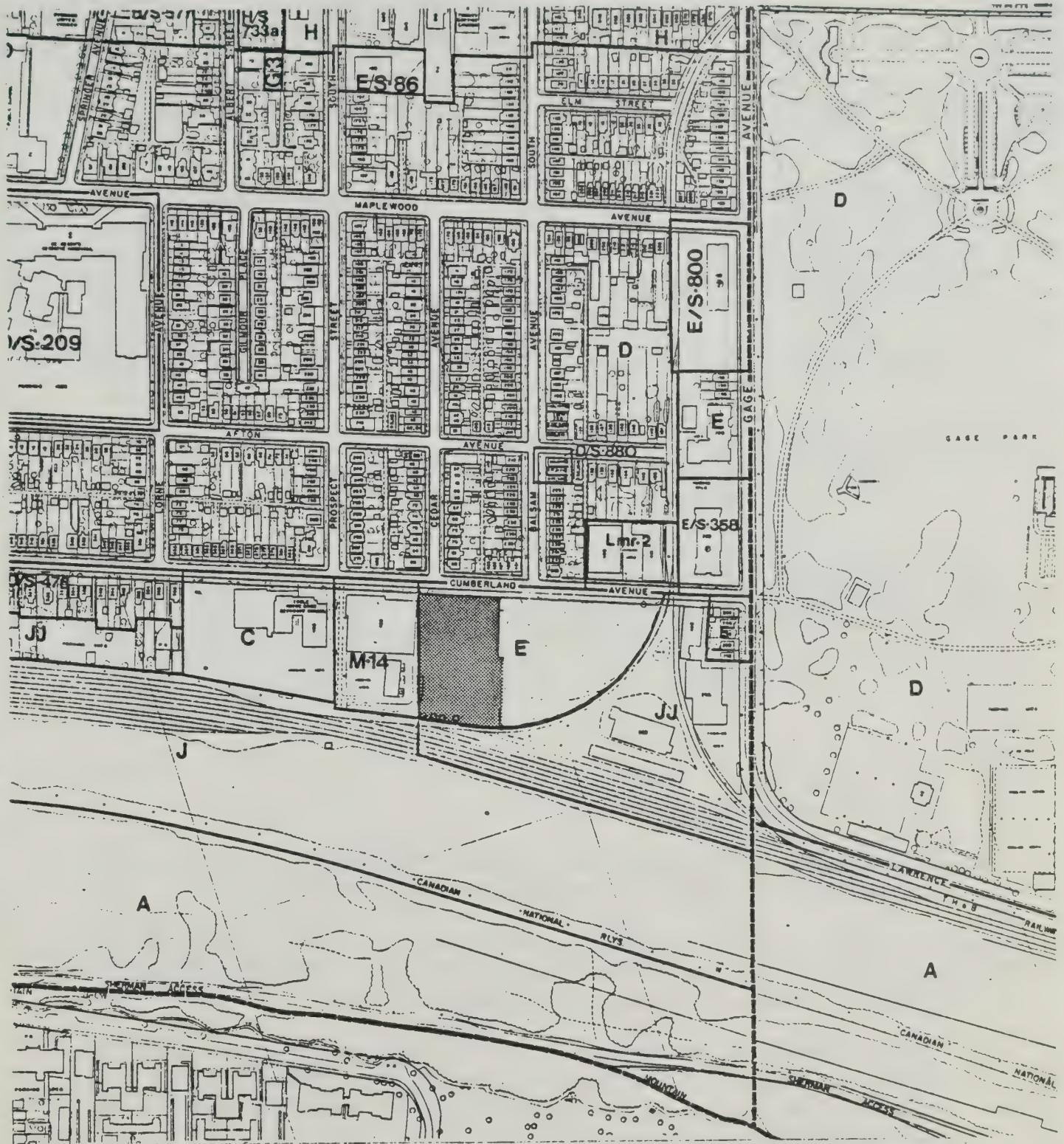


A revised landscape and grading plan is required to incorporate the various comments from the departments and agencies and to include the earth berm along the rear of the lands adjacent to the railway property. The earth berm and acoustical barrier and fencing will address buffering, security and noise attenuation from the railway lands. Construction features of the building including brick, window and ventilation will also address the noise attenuation measures as contained in the report by Vibran Limited. Red-lined notes on the plans have included those recommendations. A note has also been included on the plan that a warning clause concerning the rail traffic noise shall be included in the titles, deeds and rental applications of all the units.

It should be noted for information that the applicant is in the process of "Decommissioning" the site in accordance with the requirements and guidelines of the Ministry of the Environment and as required by the Ministry of Housing.

JPS/ma  
DA9160





BLAKELEY NO. 12

DELTA WEST NO. 37

City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-91-60**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale  
1:5000

Date  
SEPTEMBER 1991

Reference File No.  
DA-91-60

Drawn By  
PB





# THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

## TRAFFIC DEPARTMENT

Fax No. (416) 546-2419  
Tel No. (416) 546-4510  
TDD No. (416) 546-2448

1991 October 21

Mr. A. L. Georgieff, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-91-60 Revised  
430 Cumberland Avenue

LC  
K.B.  
JPS

In response to your letter of 1991 October 17, please be advised that we have reviewed the above-noted revised application and have the following comments.

We had a number of concerns with the original plans which were outlined in our letter of 1991 September 30. There have been a few minor changes made but most of our concerns have not been addressed. Our concerns are again listed below.

1. We recommend that the bottom of the ramp be flared to increase maneuvering area which will eliminate one of the parking spaces. The curved portion of the ramp should also be widened to allow for two-way traffic movements. This is shown on the attached plan.
2. We recommend that the grade of the ramp for the first 7.5 metres from the property line be a maximum 5 percent and not 6 percent as shown.
3. There should be no wall at the end of the parking ramp which could obstruct a driver's visibility of on-street traffic.
4. The design of the loading area will not permit a large truck to turn around on-site, however, we will support that variance. Smaller trucks, such as garbage trucks, may also experience some trouble turning around in this area. We suggest that the

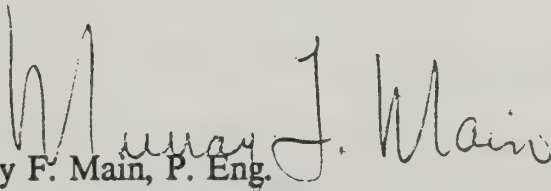


applicant provide a definite means of driving around the building to avoid this shortfall.

5. We previously recommended that the east access be widened to a minimum 7.5 metre width which the applicant has done. The applicant has maintained this 7.5 metre width driveway all the way to the south property line. From our point of view, it is only necessary to have the 7.5 metre width for the first 6.0 metres south of the north property line. Thereafter, the driveway can be the original 6.0 metre width.
6. We recommend that the west access be widened 1.0 metre to make it easier for eastbound trucks to turn into the loading area.
7. We recommend that the front drop-off/turn-around bay at the front of the building be redesigned as shown on the attached plan to improve the maneuvering area. This redesign will only decrease the total number of parking spaces by one.

We approve of the location of the accesses in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,

  
Murray F. Main, P. Eng.  
Director of Traffic Services

RK/WC/lem

Attachs.





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170  
Fax (416) 526-6665

007 17 001

Refer to File No. E220-0205  
Attention of E.Hicken  
Your file No. DA-91-60

DATE: October 15, 1991  
TO: J. Sakala, Planning and Development  
FROM: K.A. Brenner, P.Eng.  
Manager of Environmental Planning

Handwritten initials: JC, KB, and a large signature.

SUBJECT: Site Plan Control Application DA-91-60 to Amend DA-89-45 for a 152 Unit Apartment Building at 430 Cumberland Avenue, Hamilton

Grading and Servicing

The grading plan submitted dated August 19, 1991, will be approved when the following revision has been made.

Please show the geodetic bench mark used to obtain the on site elevations on the grading plan.

Transportation Comments

We do not anticipate any road allowance widenings at this time.

All landscaping other than annual flowers and sodding should be on private property only and heavy landscaping such as trees ect. should be setback sufficient distance from the Cumberland Avenue road allowance limit so as not to interfere with the existing walk and utilities within the road allowance. All footings for concrete walls, underground parking and tie backs etc., are to be on private property only unless permitted by Council through the appropriate agreements etc. Any other works which may occur within the Cumberland Avenue road allowance must conform to the City of Hamilton Streets By-Law.

The City of Hamilton Traffic Department to comment on access, access design, overlaps with the property to the west, loading, manoeuvring etc. We require the establishment of 5 m x 5 m daylight triangles between the access and the Cumberland Avenue road allowance limits in which the maximum height of objects/vegetation, etc., is not to exceed a height of 0.60 m higher than the existing corresponding centre line (perpendicular) of Cumberland Avenue; (this applies to that portion of the parapet wall that falls within the triangle also) therefore the site plan, layout and grading plan and planting plan should be revised to reflect these requirements.

Handwritten initials: EH/cb, and a large signature.



Canadian Pacific



Canadien Pacifique

The message is complete if its trailer contains the following:

From: Tor ADENG/AGM

MERLIN ID: IFS0079

Transmission 23 59 15 16 contains 03 text pages, header, and trailer

CP Rail  
P.O. Box 4100  
2025 McCowan Road,  
AGINCOURT, Ontario  
M1S 4A8

Our File : 620.4-HAM-55.4

June 16, 1992.

The Regional Municipality  
of Hamilton-Wentworth  
Planning and Development Department  
71 Main Street West,  
HAMILTON, Ontario  
L8N 3T4

Attention: Mr. John Sakala

Re: Site Plan Control Application DA-91-60 (previously  
submitted under Site Plan Control Application DA-89-45)  
430 Cumberland Ave., City of Hamilton  
Mileage 55.4 Hamilton Sub. (formerly Mi. 35.5 Welland Sub.)

This letter is further to your letter dated February 18, 1992  
and our latest phone conversation of June 16, 1992.

Kindly be advised that our comments on this revised application  
DA-91-60 remain the same as in our letter dated May 11, 1989  
addressed to Mr. V.J. Abraham, M.C.I.P., Director of Local  
Planning.

Comments in our previous letter of May 11, 1989 are listed  
below:



We have reviewed the above-mentioned proposal and wish to state our opposition to it. Residential development in close proximity to our right-of-way is not compatible with Railway operations. The health, safety and welfare of residents could be adversely affected by our activities; however, since this land is already zoned residential, CP Rail requests the following conditions be imposed on the development:

1. A berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 metres above top of rail must be erected and maintained by the developer on the adjacent property parallel to our right-of-way. The berm portion must have a minimum height of 2.0 metres above top of rail.
2. Dwellings should be set back a minimum distance of 15 metres from the property line. Unoccupied buildings, such as garages may be exempted.
3. Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 metres of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion.
4. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate Ministry.
5. Clauses to be registered on and run with the title of all properties within 300 metres of our right-of-way warning prospective purchasers of the Railway's presence and also that the Railway will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.
6. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the Railway.
7. Any proposed utilities under or over Railway property to



serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

8. A 1.8 metre high chain link fence to be erected and maintained along the common property line of the Railway and development by the developer at his expense.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, your assurance that the above conditions will be imposed on the developer would be appreciated.

I would appreciate being advised of your decision regarding this application in due course.

Yours truly,

L. A. Clarke  
Superintendent







CITY OF HAMILTON  
- RECOMMENDATION -

JUN

1 b)

**DATE:** 1992 June 17  
(P5-4-45)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

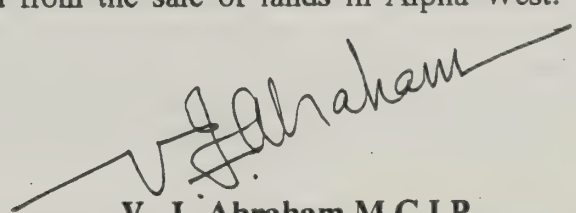
**SUBJECT:** *Residential Enclaves Study - Final Report*

**RECOMMENDATION:**

That Planning and Development Committee recommend to Council that the following actions be undertaken for the residential enclaves located north of the CN tracks, from Victoria Avenue North to east of Kenilworth Avenue North:

1. retain the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District zoning for all the enclaves;
- 2(a) the acquisition program established 1981 for Leeds, Biggar and Stapleton be **abandoned completely** and, no residential lands will be acquired by the City for industrial purposes in the Land, Beatty and Rowanwood enclave; and,
- (b) the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December, 1989, be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with **no expropriation** contemplated. Funds will be utilized from the existing Capital Budget (Account No. 308750001), as well as the funds realized from the sale of lands in Alpha West.

J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

To date there is \$891,177.00 available in the Enclave Clearance Program account.



## 1.0 BACKGROUND

City Council directed a study of the residential enclaves be undertaken for those areas north of the CN tracks, to re-evaluate their long term land use and the City's continued involvement in purchasing residential properties for industrial purposes. Accordingly, the study was undertaken and a number of land use and acquisition options were identified. A public meeting was held on April 15, 1992, to advise the residents of the study findings and receive their input. As a result of this, as well as input from various departments and agencies, an appropriate land use and acquisition strategy has been developed.

For the purposes of this study, an "enclave" is defined as an isolated pocket of houses surrounded by industry. (See Map attached)

The City first got involved in acquiring residential properties in 1981 when it approved funding in the Capital Budget to purchase properties in the north part of Alpha (south side of Burlington Street, east of Sherman Avenue North). The basis for the acquisition was for social benefits to be gained including:

- to provide residents the opportunity: to relocate to a cleaner, less noisy environment; to move from substandard housing; to reduce hardships due to uncertainty, declining land values and financial ability to relocate; and,
- upgrade the City's environmental, health and housing standards; improving the City's image; reducing the cost of providing services to isolated residential pockets; satisfying the demand for industrial land which would subsequently create jobs; and, increasing taxable assessment.

Planning and Development Committee, at their meeting of March 4, 1992, authorized a public meeting be held to consider the land use and acquisition options for the residential enclaves (north of the CN Railway tracks, from Victoria Avenue North to west of Kenilworth Avenue North).

The Public Meeting/Open House was held at 6:30 p.m. on April 15, 1992, at Sanford Avenue Public School. There were approximately 200 people attending the meeting. The purpose of the public meeting was to inform residents of the findings of the Residential Enclaves Study, including three land use options and four acquisition options, as well as to hear the public comments on the study. The strongest concerns centred on the City's intent to acquire any residential properties, either by purchase or expropriation. In addition, people were concerned that the study had placed a "black cloud" over the future of these areas.

## 2.0 RESULTS OF PUBLIC SUBMISSIONS

People who attended the Public Meeting were asked to complete a "Public Submission" form identifying their choice with respect to the three land use options and the four acquisition options. Any additional comments were also requested. (See Summary - Appendix 1 attached) A total of 68 "Public Submission" forms were returned, representing slightly less than 10% of the total number of households (1989 Assessment). On this basis, the results of findings must be used with caution.



The options are summarized as follows:

- Land Use

Three land use options were identified as part of this Study:

Option 1 - No change. All lands to remain designated "Industrial" in the Official Plan and zoned "K" (Heavy Industry) District.

Option 2 - Recognize viable residential areas within Land and Rowanwood. The "Industrial" designation and "K" zoning to remain on all the others.

Option 3 - Recognize residential uses in all the enclaves.

- Acquisition

Option 1 - Continue with the current acquisition program for Alpha, Biggar, Leeds and Stapleton. Include Beatty since it was not part of the original program. Re-evaluate the program in 1995 and consider the possible acquisition of Land and Rowanwood at that time.

Option 2- Abandon the program entirely.

Option 3 - Combination approach. Develop an approach which would include a combination of initiatives such as: obtaining funding from other levels of government, funnelling money from the sale of Alpha West to purchase properties on a willing seller, willing buyer basis, and setting aside money in the Capital Budget to purchase properties.

Option 4 - Willing seller, willing buyer in all the enclaves.

The highlights of the responses from the public submissions are summarized as follows:

- Land Use Options

Options 2 and 3, which both supported the maintenance of residential uses to some degree, were clearly favoured by the majority of those who returned the public submission form.

- Acquisition Options

The majority clearly indicated that the acquisition program should be abandoned entirely. Of those that favoured some level of City involvement in purchasing properties, the majority favoured "willing seller, willing buyer in all the enclaves" .



- Additional Comments

By far the most frequent comments noted that:

- industry does not require additional land;
- the City should not intervene as the middleman between the residents and industry;
- the "black cloud" of uncertainty should be removed; and,
- the City should either get out of the acquisition program entirely or buy up all the homes and let the residents get on with their lives.

### 3.0 ANALYSIS OF OPTIONS

#### 3.1 Land Use

All the enclaves are isolated pockets of residential uses surrounded by heavy industry. They are presently designated and zoned for industry. This situation has existed for over 40 years. Further, in 1981, Beatty, Land and Rowanwood were zoned "K" with a special provision to allow existing dwellings to be altered or enlarged in accordance with the "D" (One and Two Family Dwellings, Townhouses, etc.) District and, to permit reduced side yards.

Option 1 would maintain the status quo and enable residents to enjoy the same level of certainty that they have at the present time. In addition, it would reinforce the City's commitment to preserve the Bayfront for industrial purposes in the long term.

While some residents supported the continuation of residential uses in the City's Official Plan and Zoning By-law, there are several major drawbacks such as:

- potential health risks (particularly regarding contaminated soils) associated with people living in close proximity to industry. Both the Ministry of Environment and Regional Health Services have expressed serious concern in this regard;
- business and industry located in this area based on the City's commitment to maintain this area for industrial purposes. To recognize these areas for residential uses would ignore the rights of established industry who located here in good faith on lands planned and zoned for industry;
- reinforces the co-existence of incompatible lands uses (low density residential/heavy industry); and,
- an inefficient use of hard and soft service (i.e. parks) because of the isolated nature of these areas.



On the basis of the foregoing, the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District should be retained for all the enclaves. This will address the residents concern over the future of their neighbourhood by maintaining the status quo.

### 3.2 Acquisition Options

Those attending the public meeting and those who returned the public submission forms overwhelmingly favoured the City abandoning the program entirely. Clearly, the residents wanted the threat of the City purchasing or expropriating their property removed so they could have some certainty in the future.

To address this issue more fully, the reasons the City first got involved in acquiring such residential properties was because of the social benefits to be gained, as noted previously.

The social benefits notwithstanding, "The Residential Enclaves Study" (page 4) noted that the City's acquisition of lands in Alpha were not profitable or even a break-even situation. To-day, the difference between buying land for residential uses and selling it for industrial purposes has meant the City was realizing only one fifth of its purchase as residential land. On this basis, there is merit in the City abandoning the program. Not only is it costing the City money, there is also little demand for industrial land. The residents want certainty for the future of their neighbourhood. This option is being suggested for all the enclaves except for Alpha East.

Acquisition of Alpha is incomplete. In December, 1989, City Council directed that the program for Alpha East (east of Sherman Avenue North), Leeds, Biggar and Stapleton, be put on hold. Planning and Development Committee subsequently directed staff to undertake this study. Alpha East is an area that has been most affected by the City's purchases. Lands to the west and north were acquired by the City in the 1980's and sold to industry. This action seriously eroded the neighbourhood and reduced the quality of life for existing residents. On this basis, the City has an obligation to the remaining residential property owners to take some kind of action for this area.

In reviewing the options for Alpha East, it is suggested that the City maintain the allocation in the Capital Budget to purchase approximately 11 residential properties on a willing seller/willing buyer basis with **no expropriation**. Priority for such purchases should be given to owner-occupants.

Currently, there is \$891,177.00 available to purchase some of these properties. Additional revenue should be obtained from selling this land as well as lands in Alpha West to industry. Once all the residential lands have been acquired and sold in the Alpha East enclave, the acquisition program will be abandoned.

It should be noted that \$2 million was allocated to the Future Capital Budget for 1997. The additional funding was identified so the City had some funding available if the the program was continue. However, if the recommendations are approved, then the additional \$2 million will not be required.



#### 4.0 CONCLUSIONS:

Based on the study findings and the input of the residents and the various departments and agencies, the following course of action should be considered:

- the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District zoning for all the enclaves should be retained;
- the acquisition program established for Leeds, Biggar and Stapleton be **abandoned completely**. Further, the City should not acquire any residential properties for industrial purposes in Land, Beatty or Rowanwood; and,
- the acquisition program for Alpha East (east of Sherman Avenue North) continue on a willing seller/willing buyer basis for the approximately 11 residential properties remaining with no expropriation contemplated. The City Property Department be requested to undertake this initiative on the understanding that the existing funds in the Capital Budget be utilized, as well as funds realized from the sale of lands previously acquired through the program.

/dkp

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# LOCATION MAP

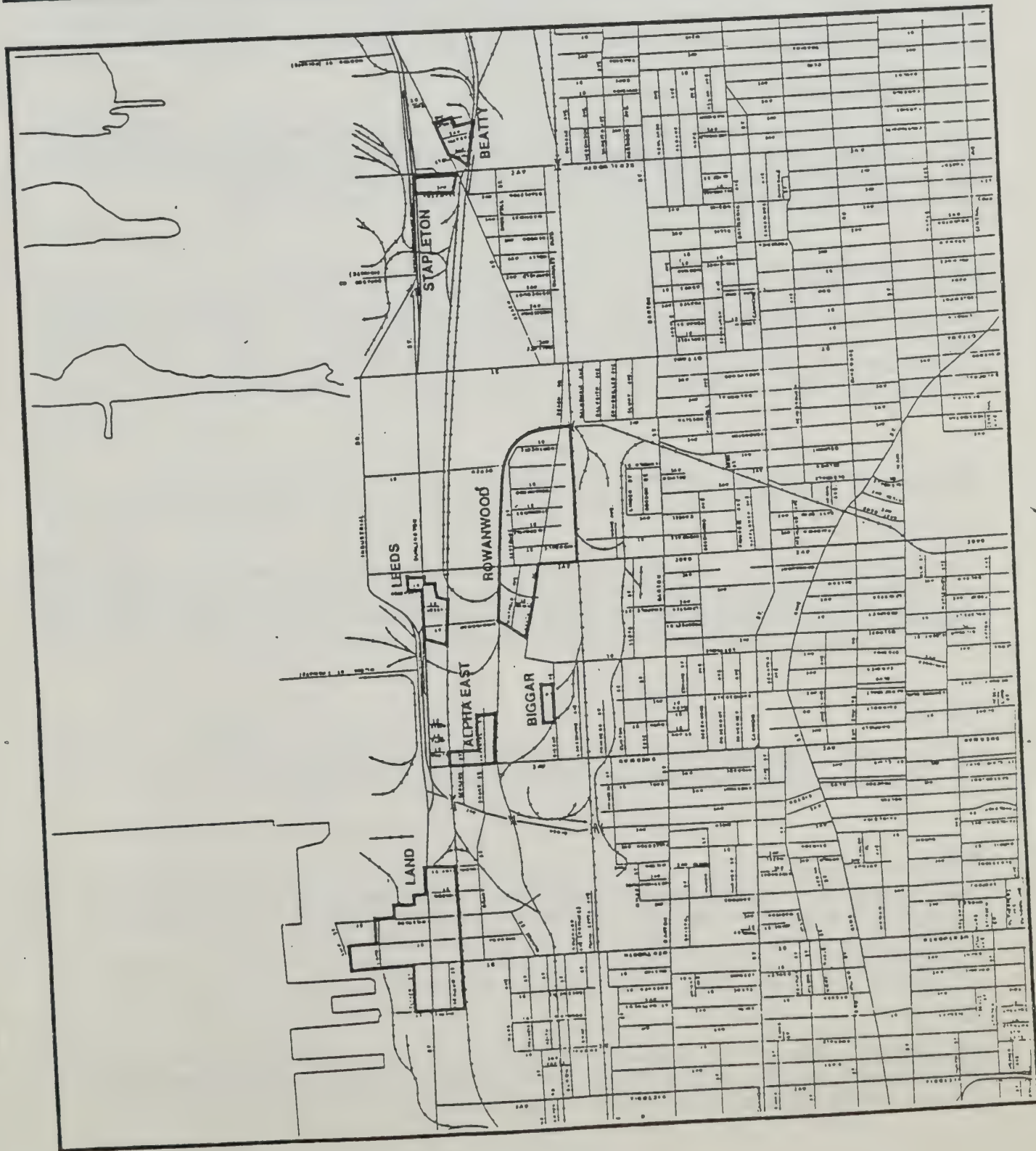
Enclave Study Areas



## RESIDENTIAL ENCLAVES STUDY



FEB 1993





**RESIDENTIAL ENCLAVES STUDY**  
**SUMMARY OF PUBLIC SUBMISSIONS**  
**MAY, 1992**

A "Public Submission" form was available at the Public Meeting on April 15, 1992. The purpose of the public meeting was to review and hear comments on the land use and acquisition options which were developed as a result of a recent review of the existing residential enclaves north of the CN tracks. Approximately 200 of these forms were available at the meeting or were mailed out afterwards. By the May 15, 1992 deadline, a total of 68 had been returned. This return represents slightly less than 10% of the 1989 Assessment figures for the total number of households in the enclaves. On this basis, the findings below must be used with extreme caution.

Responses by Option

Land Use Options

Option 2 (recognize the viable residential components of Land and Rowanwood, maintain the rest for industry) and Option 3 (redesignate and rezone all enclaves residential) were the most favoured land use options obtaining 38.5% and 40% respectively of the submissions returned. Option 1 (maintain the industrial designation and zoning) received the lowest at 21.5%.

Acquisition Options

Option 2 (abandon the program entirely) received the greatest response by far of the submissions returned (49.2%). The second highest return at 32.3% was for Option 4 (willing seller, willing buyer in all the enclaves). Option 1 (continue with the current program) ranked lowest at 7.7% and Option 3 (combination approach) received 10.8% of the submissions returned.

Responses by Enclave

Alpha East

The return rate for this area was very low with only two submissions returned. One favoured Option 1 and the other favoured Option 2 in the land use options. Both these options recommended keeping this area for industry. Of the acquisition options, one favoured Option 1 and the other favoured Option 2.

Biggar

The return rate of submissions for this area was also very small being just two. The two that made submissions favoured Option 3 for land use and Option 2 for acquisition.

Beatty

There were five submissions returned from Beatty. With respect to the land use options: one favoured Option 1, one favoured Option 2, and three favoured Option 3. Option 4 of the acquisition options was favoured by three, whereas Options 2 and 3 received one each.

Land

Seventeen submissions were received from Land. Six each favoured Options 1 and 3 of land use, whereas five favoured Option 2. Option 2 of acquisition had 7 returns in its favour, and Option 3 had five returns. Options 1 and 4 received three each.



## Leeds

There were only five submissions returned from Leeds. All five favoured Option 3 of the land use options, and four favoured Option 4 regarding acquisition. One return favoured Option 2 with respect to acquisition.

## Rowanwood

Rowanwood had the largest number of submissions being 32. Of this, the majority (17) favoured Option 2 of the land use options. Option 3 was the second highest with 10, and Option 1 only received five in its favour. Option 2 received the highest return by far of the acquisition options with 19 returns. Option 4 received 11, Option 3 received 1 and Option 1 had none in favour. These responses reflect that this is a viable, relatively stable residential area whose residents wish to remain.

## Stapleton

There were no submissions received from Stapleton.

## Unknown

There was only one submission received wherein the sender did not give an address. This respondent indicated that Option 1 was favoured for land use and Option 1 was favoured for acquisition.

## **Analysis of Submissions**

### Land Use

Options 2 and 3, which both supported the maintenance of residential uses to some degree, were clearly favoured by the majority of those who returned the public submission form.

### Acquisition

Clearly, the majority of respondents indicated that the acquisition program should be abandoned entirely. Of those who favoured some level of City involvement in purchasing properties in these areas, the majority favoured a "willing seller, willing buyer in all the enclaves".

## **Summary of "Additional Comments"**

The following is a point form summary of some of the comments received:

- absentee landlord has difficulty renting property for residential
- Alpha East area seriously deteriorated residential environment due to City's acquisition of nearby properties - problems for remaining residents include: surrounded by industry; garbage; odour; heavy traffic - City should finish off acquisition program in this area
- Land and Rowanwood provide a affordable/starter housing opportunities - MOE says air quality improving - frequent bus service on Gage Avenue - heavy truck traffic on other City streets such as Upper James
- want an immediate decision made on the future of these areas as some people wish to sell their homes and want to do so without a "cloud" over their neighbourhood and others wish to make improvements but want some assurance that the City will not buy them out



- assistance needed for those to be relocated
- long time residents do not wish to move "Leave us alone"
- remove threat of expropriation
- let big business purchase residential properties for their own purposes, City does not need to be involved
- concerned about location of potentially contaminated soils, availability of public transit, danger of railway crossings and costs of relocating out of the area
- many residents take pride in their property
- City should be tearing down industry that causes pollution instead of people's houses
- already a lot of vacant industrial land and buildings in these areas, more is not needed
- want to sell house to City
- all existing houses should be zoned "D"
- moving would be a hardship i.e. financially
- knew industry adjacent to residential - no problems with adjacent industries
- uncertainty of the areas future has caused emotional stress for some residents
- would not mind selling and relocating if fair market value can be ensured
- would like City to buy property because not able to sell otherwise
- no demand for industrial land
- could not find comparable home elsewhere in the City for price in enclaves

By far the most frequent responses were that industry does not need the land, the City should not intervene as a middleman between the residents and industry, the "cloud" of uncertainty should be removed and the City should either get out of the acquisition program altogether or buy up all the homes and let people get on with their lives.



# RESIDENTIAL ENCLAVES STUDY

## SUMMARY OF PUBLIC SUBMISSIONS

MAY, 1992

	<u>Land Use Option</u>			<u>Total</u>	<u>Acquisition Options</u>				<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	
Alpha East (33)	1	1	-	2	1	1	-	-	2
Biggar (18)	-	-	2	2	-	2	-	-	2
Beatty (23)	1	1	3	5	-	1	1	3	5
Land (230)	6	5	6	17	3	7	5	3	18
Stapleton	-	-	-	-	-	-	-	-	-
Leeds (28)	-	-	5	5	-	1	-	4	5
Rowanwood (344)	5	17	10	32	-	19	1	11	31
Unknown	<u>1</u>	<u>-</u>	<u>-</u>	<u>1</u>	<u>1</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1</u>
Totals (687)	14	24	26	64	5	31	7	21	64

Total Returned - 68 (3 submissions had comments only with no options chosen)

(12) Total number of households - 1989 Assessment

C.F.:ns  
ENCLAVES



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